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SELECTIONS

FROM THE

PAPERS OF LORD METCALFE;

LATE GOVERNOR-GENERAL OF INDIA, GOVERNOR OF JAMAICA,
AND GOVERNOR-GENERAL OF CANADA.

RRA. 9-11

EDITED BY

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AUTHOR OF THE "LIFE OF LORD METCALFE," "THE HISTORY OF THE WAR IN AFGHANISTAN," &c.

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PREFACE.

I BELIEVE that, in offering the present volume to the public, I am rendering an acceptable service, not only to those who have been, who are, or who prospectively may be, connected with the affairs of our Indian and Colonial dependencies, but to all who have a common interest in good government and the administrative efficiency of the empire. But I am especially anxious that it should be regarded as nothing more than a *fasciculus* of Selections, for which the Editor alone is responsible, from the numerous public and private papers, left behind him by the late Lord Metcalfe. Bearing in mind that these papers are the growth of forty years of incessant official activity, the reader will not expect to find within the compass of a single volume more than certain specimens or illustrations, conveying, it is hoped, a just idea of the character of the writer's public life and the tenor of his opinions, but only a faint one of the extent of his activity and the magnitude of his labors.

I have divided the papers into three parts, illustrative of the three great epochs of Lord Metcalfe's career: firstly, his earlier official life in India before he became a member of the Supreme Government; secondly, the period during which he sate as a member of that Government; and thirdly, the space of time embraced by his Jamaica and Canada administrations. Under each of these heads will be found a considerable number and variety of papers, indicating the writer's opinions on all, or

phical point of view, it is interesting to trace the opinions of the writer, and to discern the extent to which he may have been instrumental in evolving or hastening the changes of which I speak, there is much in those papers to be read with profit at the present time; and in others are contained lessons as pertinent to the present conjuncture of public affairs as though they had been written yesterday. There are, indeed, many weighty political truths inculcated in these writings of Lord Metcalfe, the disregard of which has been rife with national calamity, of which we are only now beginning to fathom the uttermost depths.

The papers in this collection have, with one or two exceptions, been printed from the original drafts in Lord Metcalfe's handwriting, and may therefore be relied upon as wholly and exclusively his own—a reliance not always to be placed in the published minutes and despatches of statesmen who have benefited largely by ministerial assistance at different epochs of their career. Two or three of them have been printed, wholly or partly, before; but, with these trifling exceptions, the contents of the volume are now given to the public for the first time.

It should be added that the notes to which no initials are attached are wholly the Editor's. Lord Metcalfe's own are distinguished by the initials C. T. M.

J. W. KAYE.

Bletchingly, March, 1855.

CONTENTS.

PART I.

Early Papers.

	PAGE
The Policy of Sir George Barlow	1
Protection of Minor States	3
Danger of Retrogression	5
Abandonment of Gohud and Jyepore	6
Impossibility of Isolation	7
Evils of False Economy	8
Inducements to Public Zeal	9
Lord Wellesley's System	11
The Mission to Runjeet Singh	12
General Objects of the Mission	13
General Results	15
Runjeet's Proposals	15
Proposed Engagement considered	17
Character of Runjeet Singh	18
His Jealousy of the Mission	25
His Military Resources	26
Strength of the Sikh Army	30
Its Means of Support	31
The Lesser Sikh Chiefs	33
The Land Revenue of Delhi	34
Past Systems and Early Settlements	35
Rights of the Village Zumeendars	36
Proposed System	41
Its probable Results	43
Duty to the People	47
Advantages of Moderate Assessments	48
Cultivation of Waste Lands	51
Stimulants to Exertion	53
Judicial Administration of Delhi	54
Former state of Misrule	55
True objects of Punishment	57
Epidemic Crimes	58

PAGE
Opinions of Lord Hastings 59
Deficiency of Record 61
Prevention of Prison-breaking 62
Equalisation of Punishment 63
General Results of Metcalfe's Administration 65

MILITARY DEFENCE OF THE DELHI TERRITORY 66
Fortifications of Delhi 66
Elements of Danger 67
Advantages of Fortified Posts 68
Fortifications of Loodiana 71
Fortifications of Kurnal and Hansee 72
Fortifications of Delhi 75
Depôts for Stores 77
Fortresses in the Native States 77

THE BOMBARDMENT of FORTIFIED PLACES 79
The Disaster at Kalunga 79
Disasters at Bhurtpore and Kumona 81
Causes of Failure 83
Evils of Excessive Confidence 84
Contempt of our Enemies 85
Uses of Heavy Artillery 86
Uses of Mortar Batteries 87
Effects of Shelling 88
Increased Skill of our Enemies 89

ADMINISTRATION OF HYDERABAD 91
Employment of European Officers 92
Amount of Interference 93
Hyderabad and Nagpore 97
Letter to Mr. Martin 99
Mr. Martin's Views 99
Letter to Mr. Swinton 100
Village Settlements 101
Mode of Settlement-Making 103
Native Influence 105
Inequality of Settlements 106
Results of the First Settlements 107
The Minister's Proposals 109
The Finances of Hyderabad 113
Character of Chundoo-Lall 115

THE BURMESE WAR 116
Excitement in India 116
The Effects of the Nepaul War 117
Force Required 119
Moral Effects 121

BHURTPORE AND ULWUR 122
Question of Interference 122
Obligation to the rightful Prince 125
Usurpation of Doorjun Saul 127
Ulwur and Jyepore 129
General Policy 131

PAGE

MAHRATTA POLITICS 132
Expected Death of Scindiah 132
Consequent Measures 133

THE COINAGE OF INDIA 135
Change of Inscription 136
Advantages of Change 139

RULES FOR JUNIOR CIVIL SERVICE 140

MISCELLANEOUS EXTRACTS FROM PUBLIC PAPERS . . . 143
Insecurity of our Position in India 143
The Native Army 144
Colonisation 144
Results of the First Mahratta War 145
Extension of Territory 145
Impolicy of a War with Sind 156
Difficulty of Dealing with Sindhians 147
A War with Sind obnoxious to the Home Government . . 148
Evils of Extension towards the Indus 148

MISCELLANEOUS EXTRACTS FROM PRIVATE LETTERS . . . 149
Regular and Irregular Troops 149
"Lord Cornwallis's School" 150
Military Men in Civil Employ 150
Reform of our System of Government 150
Native Agency 151
The Mutiny at Barrackpore 152
Allowances of the Hyderabad Residency . . . 154
Irregular Horse 155
Effects of the Siege of Bhurtpore 157
Appointment to the Supreme Council 157
Affairs of Rajpootana—Non-Interference, &c. . . . 158

PART II.

Indian Council Minutes.

MACHINERY OF INDIAN GOVERNMENT (Introductory Paper) . . 161
Precariousness of our Power 162
Duty towards the Governed 163
European Settlers 164
King's and Company's Establishments 165
Reduction of Taxation 167
Administration of Justice 169
Native Agency 170
The King's and Company's Armies 172
Question of their Amalgamation 173
The Local Governments 174
Seats of Government 177

DEFENCE OF OUR INDIAN EMPIRE 178
Effects of Extension 179

PAGE

Distribution of the Military Force 180
Our System of Government 181
Temper of our Governors 182
Necessity of an Efficient Army 183
Causes of its Increase 185
Permanent Increase 187
Power of the Native States 189

CONSTITUTION OF THE INDIAN ARMY 191
Opinions of Lord William Bentinck 192
Sources of Danger 193
Danger from Foreign Enemies 194
Danger of Internal Revolt 195
Danger of Increased Enlightenment 197
The Native Army 198
Officering of the Army 199
Proposed Abolition of the Bombay Army 201
Malay Troops 202
Irregular Corps 203
Preparations for Invasion 205
Best Means of Meeting Danger 206

DISTRIBUTION OF THE INDIAN ARMY 207
Advantages of Concentration 208
Local Protection and External Defence 209
Insufficiency of our Army 210

SURVEY OF THE INDUS 211
Designs of Russia in the East 213
Probable Line of Advance 215
Evils of Interference beyond the Indus 216
Jealousy of the Native Princes 217

COMMERCIAL AGENCY AT CAUBUL 218
Inexpediency of its Establishment 218
Sir Charles Metcalfe's Foresight (*Note*) 219

AFFAIRS OF HYDERABAD 220
Early Connexion with the Nizam 221
Death of Meer Allum 223
Reign of Chundoo Lall 224
His Extortions 225
European Superintendence 227
Revenue Reforms 229
Village Settlements 230
Their Results 231
Cost of our Interference 235

INTERFERENCE AND NON-INTERFERENCE 237
Duty towards the Native States 238
Arguments against Interference 241
Rules for our Guidance 243

RUSSIA AND PERSIA 245
Inexpediency of Interference 246
The Persian Mission 247

PAGE

INDIAN LAND REVENUE 249
Definition of Land Revenue 249
Field Assessments and Village Communities . . . 251
Proprietary Tenures 253
The Permanent Settlement of Bengal 253

PROPRIETARY RIGHTS 255
Question of Ownership of the Soil 256
Amount of Assessment 257
Ryutwar Rights 258
Different Descriptions of Ryuts 259
Regulation-Proprietors 260
Revenue Surveys 262

LONG LEASES 264
Assessment of Land yielding valuable Produce . . . 266

JURISDICTION OF THE CROWN COURTS 269
Necessity of a Controlling Power 271
Evils of conflicting Authority 272
Uncertainty of the Law 273
Constructive Jurisdiction 275
Usurpations of Authority 277
Liability of Europeans 281
Non-Liability of Natives 283
Proposed Amalgamation of the Suddur and Supreme Courts . 285

NATIVE JUDGES 287
Principal Suddur Ameens 287
Qualification for Minor Judgeships 289

ABOLITION OF THE PROVINCIAL COURTS 290
District Judges 291
Suddur Court in North-West Provinces 292

USE OF ENGLISH LANGUAGE IN COURTS OF JUSTICE . . . 293

MISCELLANEOUS—OFFICERING OF THE INDIAN ARMY . . 295
Want of Officers 296
Officers on Staff Employ 297
Systems proposed 298
Benefits of proposed System 299
Acceleration of Promotion 301
Regimental Allowances 303
Boon to the Army 304

"NUZZURANA"—TAX ON SUCCESSION 305
Alienations of Revenue 307
Proposed Measures 310

CONNEXION OF GOVERNMENT SERVANTS WITH THE PRESS . . 311
Freedom of the Press 312

THE GOVERNOR-GENERAL AND HIS COUNCIL 313
Nomination of Vice-Presidents 314
Powers of the Governor-General 315
The Supreme Council 316
Departmental Duties 317

RIGHT OF ADOPTION 318
Hindoo and Mahomedan Law 319

PART III.

Colonial Despatches.

	PAGE
On the Condition of the Island of Jamaica	321
Emancipation of the Slaves	322
Masters and Laborers—Rent and Wages	323
Laborers' Settlements	324
Influence of the Baptist Missionaries	325
The Stipendiary Magistrates	327
On the Social Condition of the People	329
The Governor's Tour	329
Deterioration of Property	330
Want of Labor	331
Labor and Rent	332
Laborers' Settlements	335
Influence of the Baptist Missionaries	337
State of Property	338
Want of Labor—The Emigration Question	340
Thriving Conditon of the Peasantry	342
Evils of Party Spirit	345
The Labor Question	348
Independence of the Laborer	348
Progress of Reconciliation	349
Wages and Rent	350
Feeling towards the Mother Country	351
The Stipendiary Magistrates	352
Expediency of their gradual Absorption	353
Effects of their Appointment	354
Spirit of the Laboring Population	355
Effects of a gradual Reduction of Magistrates	358
The Governor's Salary	359
Its Amount	359
Expediency of Consolidation and Abolition of Fees	360
Reforms of the Judicial System	364
Vice-Chancellor and Assistant Judges	364
Chairman of Quarter Sessions	365
The Jamaica Bar	366
Advantages of Conciliation	367
Inexpediency of disallowing Local Acts	368
Evils of a Rupture	369
Improved Public Feeling	371
Imperial Interference	372
Constitution of the Local Government	373
The Council	373
The House of Assembly	375
The Constituency	376

PAGE

The Law Officers 378
Distribution of Patronage 379
Independence of the Assembly 380

PRISON DISCIPLINE 382
The Separate System 383
Classification of Prisoners 384

HEALTH OF THE TROOPS 385
Arrangements for their Location on High Ground . . 386
Ravages of the Yellow Fever on the Plains . . . 387
Mortality in the 82nd Regiment 388
Sanitary Measures 389

RESIGNATION OF THE GOVERNMENT OF JAMAICA . . . 391
Work Done 392
Work to be Done 393

ANSWERS TO JAMAICA ADDRESSES 395
Answer to the St. Catherine's Address 395
Answer to the St. Anne's Address 396
Answer to the St. Thomas's Address 399
Answer to the Missionary Presbytery's Address . . . 400
Answer to the St. George's Agricultural Society's Address . 401

CANADA—STATE OF PARTIES 404
The French-Canadians 405
The Reform Party 406
The Conservative Party 407
Difficulty of Neutrality 409

THE SYSTEM OF GOVERNMENT 411
Policy of Lord Sydenham 411
Administration of Lord Sydenham 413
Responsible Government 414
Lord Durham's Views 415
Union of the French and Reform Parties 416
Evils of Party Government 417
Rupture with the Council (*Note*) 421

RESIGNATION OF THE EXECUTIVE COUNCIL 422
Motives and Causes 423
The Patronage Question 424
Rage for "Responsible Government" 425
Arrangements for a New Council 427
Charges against the Governor-General 429
Overtures for Reconciliation 431

EFFECT OF IRISH AGITATION ON THE TRANQUILLITY OF CANADA . 432
Repeal Agitation 433
Orange Lodges 434

DIFFICULTIES OF THE GOVERNOR-GENERAL'S POSITION . . 435

RESULT OF THE GENERAL ELECTION 437
Incidents of the Election 439
Contending Parties 440
The Contest for Montreal 441
The Contest for Quebec 442

ABSTRACT OF LORD METCALFE'S OFFICIAL CAREER.

[*The annexed List of the different Offices held by Lord Metcalfe, and the dates of his appointment to them, may be useful to the reader, as indicating the position which he occupied, at different periods, when he wrote the following papers, and in some degree the circumstances under which they were composed.*]

Assistant to the Resident at Scindiah's Court	Dec. 31, 1801.
Assistant in the Chief Secretary's Office	Oct. 4, 1802.
Assistant in the Governor-General's Office (partly in detached employ with the Commander-in-Chief)	April 3, 1803.
Employed under the Commander-in-Chief on the abolition of the Governor-General's Office	——, 1806.
First Assistant to the Resident at Delhi	Aug. 15, 1806.
Envoy to Lahore	Aug. 29, 1808.
Deputy-Secretary with the Governor-General	July 15, 1809.
Acting-Resident at Scindiah's Court	May 15, 1810.
Resident at Delhi	Feb. 25, 1811.
Political and Private Secretary	Jan. 29, 1819.
Resident at Hyderabad	Dec. 26, 1820.
Resident and Civil Commissioner at Delhi, and Agent to the Governor-General in Rajpootana	Aug. 26, 1825.
Member of the Supreme Council of India	Aug. 24, 1827.
Governor-General of India	March 20, 1835.
Lieutenant-Governor of the North-Western Provinces	April 13, 1836.
Retired from the service of the East India Company . .	Feb. 21, 1838.

Governor of Jamaica (sworn in)	Sept. 26, 1839.
Governor-General of Canada (sworn in)	March 30, 1842.

Born January 30, 1785. Died September 5, 1846.

SELECTIONS

FROM THE

PAPERS OF LORD METCALFE.

PART I.

THE POLICY OF SIR GEORGE BARLOW.

[With the exception of a memorandum written in 1804, relative to the advantages of locating a proposed subsidiary force at Kotah, and published in his Memoirs, the following is the earliest political document of any importance to be found among Lord Metcalfe's papers. It was written in 1806, at the age of twenty-one, when he was attached to Lord Lake's army; and seemingly drawn up for the perusal of his father. Embodying as it does, in clear, forcible, but not always very official language, the views of the Wellesley School, it illustrates, in a very remarkable manner, the early political development of the old race of Indian civilians. The Elphinstones and Metcalfes—the Jenkinses and Adams—of the first years of the present century were ripe Indian statesmen at an earlier age than that which is now fixed for the first entrance of the new race into the public service.]

Sir George Barlow has determined, from some motives which he designates "the fundamental principles of his administration," to withdraw from all connexion and alliance with the states situated west of the Jumna, and to get rid of all our possessions west of the same river, with the reservation of a strip of land along its western bank of a few miles' breadth. This

determination has been so powerful as to supersede every other consideration. The advantages of increased resources, the military strength of our frontier, and even our reputation, is sacrificed to it. To every argument that has been urged to dissuade the Governor-General from this determination, the same answer has always been given: "It is a fundamental principle of my administration, and to this all other considerations must yield."

If the Jumna was a river of such depth as to form a boundary, some reason might be supposed for making a boundary of it. But the fact is, it is everywhere fordable in all months excepting those during which, in common with it, every rivulet swelled by the rains is impassable. The lands to the west are as fertile, the people under good government would be as quiet, and the states with whom we have alliances are as good as elsewhere. What magic is it which shall make one bank of such a stream the object of dread and aversion, when the other is everything desirable? Why should an alliance on one side be useless, when on the other it is salutary? Why should influence to the right be dangerous, if to the left it is power and safety? Sir George Barlow in his closet, looking at a map, sees a black line marking the course of a river; he draws his pencil along this line, and says, "Thus far shalt thou go, and no farther;" and this forms a fundamental principle. I can fancy no other cause for his astonishing determination to keep nothing that he can get rid of on one side of the imaginary line. But he may as well set his chair on the sands of the sea, and order the waves to stop; for the influence of Britain will roll in spite of him beyond the Jumna, or else the Atlantic Ocean will be the Jumna which shall separate the states of India from the British Empire. This inflexible rule looks too much like a government of straight lines; it looks like a government which decides political questions by examining maps in a closet, without attention to the knowledge which is to be acquired by an extensive view of the whole field.

Sir George's fundamental principle in this policy is, perhaps,

part of that general principle at this moment in favor with our rulers, of withdrawing from all external connexions, and confining our views to the government of our own territories. It is asserted that our force will thus be concentrated, our power compact, and our empire at peace. Would the human body be more vigorous by the application of an axe to its limbs? Would a skilful surgeon, in order to increase its strength, cut off an arm? It is as wise to throw away the power and influence which we actually possess west of the Jumna. That power and influence I believe to be an arm to the British Empire, which may be exercised with important advantage. The treaty of peace with Holkar, bad as it is, has left us in possession of the acknowledged supremacy in Hindostan, and has liberated from Mahratta extortion and oppression those states which are under our protection.* The protection of these states against the Mahrattas (and there exists no other power against which we can be called to protect them) can be no encumbrance. The relinquishment of all claims upon them being acknowledged by the Mahrattas in treaties, they would certainly refrain from attacking them unless they were prepared to engage in war with us; and if they are willing to incur this risk, they may as soon make an incursion into our territories as upon our allies, or break any other article of the treaty. Nothing can be easier than to keep those states quiet with each other; say but the word, and they will be still. Of this I have no doubt. Their confirmed habits of restraint and dependence make it certain.

The assertion that these alliances are no benefit to us is not true. They form a large extent between the Mahrattas and us. Under our influence they are good neighbours. They make a good military frontier. In the event of war with the Mahrattas, hostilities are carried far from our territories, and we still enjoy

* The mischief of this treaty has been completed by the Governor-General's subsequent acts, by the gratuitous cession of Tonk Rampoora, &c., to Holkar, the abandonment of the Rajah of Boondee to Holkar's revenge, and the rupture of the treaty of Jyepore.—C. T. M.

the advantages of a friendly country in our rear. These alliances afford us all the benefit which is derived from influence and supremacy. Weak as Holland is, surely France derives advantage from her influence over it. Hers is an influence by usurpation; our influence over these petty states is one of their seeking, and one which they will not resign as long as they can keep it. A proof of this is that the government, in order to get rid of the alliance with Jyepore, sets up a right, false, I think, and unjust, to dissolve it; and proposes to persuade the Rajahs of Bhurtpore and Macheree to resign their alliances with us by offering considerable territory to them.

The most important advantage to us from these alliances is the preservation of these countries from the Mahrattas, and the consequent diminution of Mahratta power, influence, and resources. India contains no more than two great powers, British and Mahratta, and every other state acknowledges the influence of one or the other. Every inch that we recede will be occupied by them. It is a new species of policy to increase our own strength by increasing the power of our rival and natural enemy. Suppose England to have an established influence over Holland, would Ministers glory in their wisdom if they withdrew that influence and threw Holland necessarily under the oppression of France? What is it that should make political wisdom in this country so opposite to what has been considered wisdom in Europe? I have occasionally heard something of a commercial policy belonging to the Company separate from its interests as a sovereign state. Without entering here into the question how far the Company may have benefited by becoming a potentate, and granting, without discussion, the full justice of all the lamentations which are uttered on this subject by many worthy directors and proprietors, I must be allowed to say that it cannot now be helped—the evil is done. Sovereigns you are, and as such must act if you do not mean to destroy the power of acting at all, to demolish your whole corporation, your trade, and your existence. Execrate the memories of Clive and Watson, and those who first

brought you from the state of merchants. Burn them in effigy; hang their statues, and blast with infamy those malefactors. Your progress since has been inevitable, and necessary to your existence. "To stop is dangerous, to recede is ruin," said Lord Clive at an early stage of our power. We have arrived now at that pitch that we may stop without danger, but we cannot recede without serious consequences. We have been made so strong that the idea of ruin cannot enter into my mind, and we may lose considerable strength without immediately feeling the loss. This, however, does not make it wisdom wilfully and wantonly to incur that loss, and to impair that strength. This does not make it wisdom to give power and resources to those who are our rivals, and will be again, if strengthened, our enemies. I find that I have entered on a subject that is too extensive for the purpose with which I commenced these notes. I repeat, you are, in spite of yourselves, sovereigns, and must be guided by those rules which the wisdom of the world has applied to the government of empires.

I have heard much of the vicious consequences of the spirit of ambition and aggrandisement which has sullied our character; I have heard, I say, much of this, but have seen nothing either of the vicious consequences, or imaginary causes. That our power, reputation, glory, have been aggrandised, I cannot deny. They have been proudly and nobly aggrandised. I have also heard much of a charming notion of keeping our place in India and our tranquillity by a new system of generosity, moderation, and innocence.

This system, literally pursued, would be to give away as much as we can, to keep as little as we can, and to be as weak as we can. This is nonsense. To trust for tranquillity not to our power and influence, but to our moderation and innocence, is pretty in theory, but would be very foolish in practice, particularly applied to Mahrattas. To meet their ambition and enterprise with the language of peace, would be to preach to the roaring ocean to be still. For our security, we must rest upon our strength. Leave us as we are, but do not, by false

and new doctrines, diminish the strength which we possess. Let us not establish maxims which are condemned by the history of all ages. Our empire in India is vast, and must be managed in the way of other empires. We must exist as a great state. Without croaking, it may be observed that our government is upon a dangerous experiment, and we may have cause to repent of the operation of the new principles. They have done no good yet. The assertion that we have been immoderate and aggressive is very untrue. We have, I am sure, been more moderate than any state placed in the same circumstances ever was before. I will be content to have this question decided by the natives of this country.

I do not like, in the existing policy, the inclination evident in the Governor-General's despatches to reduce every question to the consideration of mere expediency, and to give no weight to character and honor; to put out of view our proud pre-eminence, and to act as a petty, weak, temporising state. This is carried so far, and all objections are made so trifling when immediate convenience directs, as to amount in some instances (*vide* the despatches which assume the right to dissolve our alliances with the Rana of Gohud and the Rajah of Jyepore, without the consent of those allies), in my opinion, to a positive breach of faith. This policy, at least, operates to the injury of our reputation. The native powers of India understand the law of nations on a broad scale, though they may not adhere to it; but they are not acquainted with the nice quirks upon which our finished casuists would draw up a paper to establish political rights.

Our name is high, but these acts must lower it. And a natural consequence is, that we shall not again be trusted with confidence.

I would wish to see our government feelingly alive to points of honor, and less tenacious of questions of argumentative right. I would wish it to act in cases, such as the two mentioned, more according to the expectations which the native states are authorised to form, than to the letter of our own law.

We may find a justification on such questions in some corner of our own books, but for the important purpose of reputation it is requisite that we should be justified in the mind of India. In the cases, however, which I have mentioned, we are justified, I think, nowhere. The arguments adduced are false (particularly on the Gohud question), and it would not be difficult to overthrow them by a plain statement of fact.

The Governor-General, in some of his despatches, distinctly says that he contemplates in the discord of the native powers an additional source of strength; and, if I am not mistaken, some of his plans go directly, and *are designed* to foment discord among those states. To foment discord seems to me barbarous, unwarrantable, and monstrous; and even to contemplate in it any source of strength is unworthy of our pre-eminent station. Such a policy at best can only be suited to petty estates. Applied to our empire in India it is extremely filthy.* Lord Wellesley's desire was to unite the tranquillity of all the powers of India with our own. How fair, how beautiful, how virtuous, does this system seem; how tenfold fair, beautiful, and virtuous when compared with the other ugly, nasty, abominable one.

But I can contemplate no source of strength in the discord of contiguous powers. It appears to me that in our advanced state of power no great contentions can arise which will not soon reach and entangle us. It is impossible completely to insulate ourselves, and we must be subject to the same chances which work upon states situated as we are. It is matter of astonishment that any person can think that it is in our power to draw in our arms and separate ourselves entirely from the affairs of India—that we can exist, great as we are, without dependent friend or foe—that wars are to kindle and rage on every part of our extensive frontier, and that we shall not be moved by them. This is a new and, I think, mistaken notion. It is our interest, I am sure (leaving out the question of

* Lord Wellesley has censured this by anticipation. *Vide* his elegant reply to the Calcutta address in 1804.—C. T. M.

morality and virtue, things not always admitted into politics), to promote the general peace. It is the only sure way of preserving tranquillity to ourselves. The acts of the last six months not only deprive us of the power of preserving peace in India, but must operate to cause and encourage dissension. I am very sorry for it.

Our present motion is retrograde; I shall be happy when our governors will halt. This study to decrease our influence is funny. I cannot understand it. For my part, I wish to have our influence increased. It is generally sought for, and I am certain in its operation it gives the most real and essential benefit to all chiefs and states, and to the subjects of all chiefs and states over which it is exercised. There is a loud cry that we are in danger from extended dominion. For my part I can contemplate universal dominion in India without much fear.

I do not like the determined spirit of penury which is evident in this administration. Economy in a government is one of the greatest political virtues, but let the directors think what they will there may be too much of it if it is too parsimonious. It ceases then to be a virtue, and becomes one of the most absurd political follies, and one of the worst political vices. There is, I think, too much of it when it appears to be the ruling and sole principle of government; when it is displayed in every public advertisement and introduced into every secret despatch; when deductions of pence and farthings are considered more important than the fate of empires; in a word, when the government entirely discards liberality.

"Mere parsimony is not economy; it is separable in theory from it, and in *fact* it may, or it may not, be a part of economy, according to circumstances. Expense, and great expense, may be an essential part in true economy. If parsimony were to be considered as one of the kinds of that virtue, there is, however, another and a higher economy. Economy is a distributive virtue, and consists not in saving but in selection. Parsimony requires no providence, no sagacity, no powers of combination, no comparison, no judgment. Mere instinct, and that not an

instinct of the noblest kind, may produce this false economy in perfection. The other economy has larger views."

In a service like this, which is pursued for an independence, and to which the wealthy never have recourse, and in which services cannot be rewarded with honors, merit must be rewarded by situations uniting credit with emolument. It is in the nature of the human character to look to a reward. Without this hope there would be much less of zeal and public spirit than there now is. Self-love plays its part in our most disinterested acts. Every government of the world has instituted rewards as well as punishment for the encouragement of public virtue among its citizens; and when a government loses sight of this principle, it will soon lose the power of rewarding any public virtue, for all virtue will be extinguished. When a man's conscience tells him that he has worked hard and merited well, he expects reward.

I look on the consideration of public service or public ornament to be real and very justice; and I ever held a scanty and penurious justice to partake of the nature of a wrong. I hold it to be in its consequences the worst economy in the world. In saving money I soon can count up all the good I do; but when, by a cold penury, I blast the abilities of a nation, the ill I may do is beyond all calculation.

Indeed, no man knows, when he cuts off the incitements to a virtuous ambition, and the just rewards of public service, what infinite mischief he may do his country through all generations. Such saving to the public may prove the worst mode of robbing it.

Individuals may repeatedly be disappointed, as in all states some must be, without any extensive injury to the public interests, because the hope which is the incitement remains for all; but when to withhold reward and distinction comes to be a system of administration, then the public interests will suffer injury, incalculable injury. There is reason to think that this is the case, from the apparent system of this administration. Its inflexible adherence to its principles of parsimony, and its

boasting display of them, leads us to believe that liberality is excluded from its vocabulary.

If this is the case, we may take the liberty of observing, that the present government will not excite zeal, will not encourage ability, and is no friend to enterprise, but a sure check to all public energies and spirit, and the consequences must be bad.

Distinct from the faults of parsimony, but operating with the same effect, is the coldness and want of feeling of the government. It does nothing with warmth and heart. This may appear to be a foolish objection, but will not prove to be so. Something more than cold approbation is required to foster great minds—the approbation should be hearty. Men who perform great actions want to be admired, and are not content with being approved. Men may serve under such a government correctly, but the good of the state requires that they should serve zealously. Men will not serve zealously unless their government is zealous to do them honor. I venture to pronounce that this administration will be coldly served. Lord Wellesley, from the fire of patriotism which blazed in his own breast, emitted sparks which animated the breasts of all who came within the reach of his notice.

Our present Governor is too cold in his own character to give any warmth to others; and this characteristic of his private life seems to be a feature of his public administration. If the case could be supposed of a state in which public spirit and the whole train of public virtues should be persecuted, condemned, and punished, it is not difficult to conceive that public virtues would, in that state, cease to exist. And by the same rule it appears that if these virtues are slighted and neglected, they will not flourish with the strength and beauty which is given to them by culture and attention.

There are truly great patriots, who, under any circumstances, will zealously labor for the interests of their country; but some uncommon greatness is required to keep them in their righteous course under such obstacles as have been alluded to. Such, then, there are; but general arguments are applied to the generality,

and these do certainly require the stimulants of Hope and Ambition.

These loose, unconnected notes may serve to convey to my father some of my ideas on the present administration. The subject is so extensive, that if I continued my observations, I should swell my paper to an enormous size. I am too lazy to put what I have said into any decent form; and after all, my thoughts can be of no importance.

I respect Sir George Barlow, and wish him well; but I cannot approve the principles which he professes and acts upon.

Lord Wellesley's system was abandoned at an unfortunate period, when its success was nearly completed. If that system had been carried into complete operation, permanent peace and consequent wealth would have been in our hands. The abandonment of that system, in an unlucky moment, throws India back into its former state of confusion and uncertainty. Our tranquillity will again depend upon the will of either Sindhiah, Holkar, or Bhoonsla; and our only hope of the continuance of it rests upon the notion that those chiefs, singly or united, will never dare to risk a war with us. I hope, as much as any man can, that the dread of our valor will always operate upon them; but I am convinced that an increase of their strength and influence, and a diminution of our own, are not the best means of keeping alive their consciousness of our superiority.

THE MISSION TO RUNJEET SINGH.

[1808-9.]

[The despatches written by Mr. Metcalfe, during his mission to the Punjab, in 1808-9, are so numerous, that the extracts made from them can but faintly illustrate the extent and importance of the collection. Two of the most comprehensive letters in the series have, however, been selected—the first expounding the young envoy's views of the policy to be pursued towards Runjeet Singh, and the other entering into a detailed account of the resources of the Sikh ruler. And when it is considered that they were written at the age of three-and-twenty, they will, I think, be regarded as very remarkable State-papers. A sketch of the circumstances under which the mission was sent, and the objects to be attained by it, written some years afterwards* by Metcalfe himself, is prefixed to the letters.]

The objects of the mission to Runjeet Singh were to negotiate a defensive alliance, and concert measures for the protection of the Punjab and the British possessions in India against the apprehended invasion of Napoleon Bonaparte. This mis-

* In answer, I believe, to the following questions put to him by the Chief Secretary, in 1814, at the request of Lord Hastings, when Metcalfe was in the Governor-General's camp:

"What led to the mission to Runjeet Singh?

"What were the demands made by us on Runjeet Singh, and what the grounds of those demands?

"How were those demands met by Runjeet Singh? Were they disputed, and on what grounds?

"What was the final settlement, and the grounds upon which it was concluded?

"Did that settlement expressly, or by implication, restrain the British Government from extending its power beyond the Sutlej?

"Did any of Mr. Metcalfe's despatches comprehend a general view of the negotiation and settlement?

"What were considered the advantages of having the Sutlej, instead of the Jumna, for our boundary in that direction?"

sion was simultaneous with another sent to Caubul, with similar views as relating to that country.

In the first instance we made no demands, but merely propositions for an intimate alliance for the purpose above mentioned.

Our propositions were met by the most striking display of jealousy, distrust, and suspicion, and by immediate endeavours on the part of Runjeet Singh to complete the subjugation of the country between the Sutlej and the Jumna, to facilitate which he endeavoured to take advantage of the presence of a British mission to his camp, and for a time succeeded in that design.

The character and the ambitious views disclosed by Runjeet Singh induced a change of policy on the part of the British Government. The expectation of making a friend of him was abandoned as vain, and it was determined to restrain him in that quarter in which he might be considered most dangerous as an enemy.

Up to this period the British Government had not resolved to take the Sikh chiefs between the Sutlej and the Jumna under its protection, neither had it ever pledged itself against doing so. Runjeet Singh had been allowed to make great strides towards the subjugation of their country without opposition on our part. All their applications for succour were neglected; and when the British mission arrived in Runjeet Singh's camp, several of the principal chiefs in question were there in compulsory attendance on him, as if he were their sovereign.

When the British Government determined to check the extension of Runjeet Singh's power towards our own frontier, the demands made were, that he should relinquish all pretensions to sovereignty over the remaining chiefs between the Sutlej and Jumna, and evacuate all conquests between these rivers made subsequently to the arrival of the British mission in his camp. He was not required to abandon the territories between the Sutlej and Jumna prior to the arrival of that

mission, nor to reinstate chiefs previously dispossessed; but it was demanded that he should not send any army to the left bank of the Sutlej, and that he should not retain in his possessions in that quarter more troops than might be indispensable for internal duties. It was at the same time intimated to him that we intended to establish a post at Loodhiana, and take the chiefs and the country under our protection.

These demands were disputed by Runjeet Singh, on the ground that he had spent blood and treasure in achieving the conquest of the country between the Sutlej and the Jumna for several years, during which we had virtually acknowledged his right by our abstinence from remonstrance or complaint. He admitted that at the termination of the Mahratta war, if we had planted a post at Loodhiana, he should have acknowledged our right to do so as the successors of the Mahratta power; but he denied our right to revive at pleasure an obsolete claim, which he had satisfied himself, from our conduct, we had entirely relinquished.

The final settlement was the entire accomplishment of our demands; to which Runjeet Singh prudently yielded after a long struggle in negotiation, and every preparation for resistance.

That settlement, either expressly or by implication, restrained the British Government from interfering with Runjeet Singh's dominions, subjects, and dependants beyond the Sutlej. I do not recollect that it imposed any other restraint on the extension of the power of the British Government, but I must beg leave to refer to the treaty concluded at the termination of the negotiation.

No one of Mr. Metcalfe's despatches comprehended a general view of the negotiation and settlement. His despatches from first to last reported the rise, progress, and termination of the negotiation, and related almost exclusively to that subject.

The advantages of having the Sutlej instead of the Jumna for our boundary in that direction were considered to be many: first, as acquiring an addition of power and influence for our-

selves; secondly, as abstracting in a still greater degree power and influence from a political enemy; thirdly, as preventing the union of the Sikh nation under an aspiring ruler of extraordinary character; fourthly, as interposing between our frontier and that of a powerful rival the territories of dependent states, by which war, whether offensive or defensive, would be kept at a distance from our country; fifthly, by the greater security afforded to the capital city and important political post of Dihlée, to which, otherwise, the power of Runjeet Singh would have approximated within a few miles, affording him the opportunity of attacking it suddenly in the event of our being involved in war with other powers; lastly, perhaps the assumption of our proper station as the protectors of the weak and the opposers of the oppressor, was not the least of the advantages of the arrangement, with reference to its impression on all parties.

TO N. B. EDMONSTONE, CHIEF SECRETARY TO GOVERNMENT.

November 6, 1808.

SIR, — Although my several despatches have detailed all the circumstances worthy of mention that have occurred in the progress of the negotiation with Runjeet Singh, it will, I conceive, be proper to state to you, in a collected form, all the proposals and stipulations which he advances.

These are as follows:

First. Some sort of treaty of perpetual amity or connexion to be continued with his heirs.

Second. The acknowledgment of his sovereignty over the whole Sikh country, or an engagement not to oppose his aggressions against the independent Sikh chiefs, and not to assist at any time any Sikh chiefs against him.

Third. An engagement not to interfere in favor of the King of Caubul to prevent his aggression against the King's dominions.

Fourth. Engagement that when the British armies shall march through his country to meet the enemy on the Indus or in Caubul, the time of the march of the troops from Dihlee and the route of march shall be settled with his concurrence.

Fifth. Engagement that the British forces shall evacuate his dominions after the termination of the contest with the French armies, and that the depôt, &c., shall be removed.

Sixth. Engagement that the misrepresentations of designing men shall not be attended to.

Seventh. Engagement that cattle shall not be killed for the British armies in the Rajah's country.

Eighth. Stipulation presented, but subsequently withdrawn, that the British Government will never entertain any Sikhs in its service.

I proceed to offer an explanation of each of these separately, in which I shall take the liberty of stating such observations and suggestions as occur to me.

First, some sort of treaty of perpetual amity or connexion to be continued with his heirs. I say some sort of treaty, because his views in respect to this are not very clear; indeed, he does not seem himself to have any fixed idea of the exact tendency of his own proposal. He has neither proposed an alliance offensive and defensive, nor an alliance directly defensive, but has, in general terms, proposed to establish lasting and intimate friendship from generation to generation, with the addition that no state should be more favored than his; yet, after having requested me to make out a draft containing what I might conceive to be his object, he has kept that draft without communicating to me either his assent or his objections to the contents.

An offensive alliance being out of the question, I had to consider to what extent I should be authorised to proceed in concluding a defensive alliance. A general defensive alliance with Runjeet Singh, which should bind the British Government to protect his territories at all times against his enemies, might involve government in a perpetual state of warfare, for his

upon others are so frequent and so multiplied, that in a season of opportunity for his neighbours, he might be attacked on all sides. This, therefore, seemed to be also out of the question.

In order to accede in every practicable degree to the proposals of Runjeet Singh, I prepared an article to be produced, if occasion should require it, binding the two governments mutually to aid in the defence of their territories, provided that the causes of attack upon the territories of either party should have proceeded from circumstances which had taken place in concert; further stipulating, that if either party should undertake any measures without the advice and concurrence of the other, it should not be entitled to call for aid to defend itself against any hostilities that might result from such measures. This article has never been communicated to the Rajah, because, in fact, he has never applied for a defensive alliance; but it contained the utmost that I conceived myself authorised to assent to.

I should have made a point of ascertaining the Rajah's real motives and objects in this proposal previously to this reference, but his impatience to move from Miterkote, and his general habit of evasion and delay, prevented any final and clear proposition on the subject. From the language of all the communications received from him, and from his not stating any objections to the draft which I transmitted to him on this point, I conclude that an engagement of strict friendship with him would satisfy him. The advantage which he proposes to derive from such a treaty is probably that of strengthening his power by the notoriety of the existence of these engagements between the British Government and him.

Second. The acknowledgment of his sovereignty over the whole Sikh country, or an engagement not to oppose his aggressions against the independent Sikh chiefs, and not to assist at any time any Sikh chief against him;—

This is the great object of his views, and the principal motive of this reference. The subject has been brought to the notice

of government lately in various ways; I propose, therefore, to confine myself to local considerations.

I take the liberty of expressing my opinion, founded upon the observations made in my present situation, that, if it is in view to attach Runjeet Singh to the British Government, and to make him a friend by conciliation, the concession which he requires is essentially necessary for that purpose. As long as the British Government appears to be the bar, and the only bar, to his subjugation of the Sikhs and consequent aggrandisement, he will not, I conceive, be cordially attached to it; and if his attachment is to be gained by any means, none other are so likely to secure it as this concession, without which all other attempts to obtain his co-operation by conciliation would probably be fruitless.

Considerations may be adduced from the actual state of the country to diminish the objections to the sacrifice. The reserve hitherto held by government on this point, has not prevented the gradual extension of the power of Runjeet Singh over the territories between the Sutlej and the Jumna. It has hitherto retarded the complete subjugation, but its effect as a check upon Runjeet Singh has diminished, and will continue to diminish. His encroachments have been progressive, and he has taken the opportunity, when a British Envoy was in his camp, to make them more remarkable and more excessive than ever before.

He has proceeded with his whole force to Umballa, which is not far distant from the post of Kurnal; and there is reason to expect that he will not spare Jegadree, which is near to that part of the Jumna which is protected by the station Suharunpoor.

Without reference, therefore, to the general question of the expediency of admitting the extension of Runjeet Singh's power, it appears that a refusal to make the declaration which he requires, unaccompanied by a determination to oppose his aggressions, would perpetuate his distrust of the British Go-

vernment, without materially checking the progress of his ambition.

Two of the principal advantages of withholding the declaration required seem to be, first, that government will be at liberty to come forward at any time when circumstances may require its interference; and, secondly, that the independent Sikh chiefs are not compelled to resign themselves in despair to the sovereignty of Runjeet Singh.

With respect to the first of these, I beg leave, with the utmost deference, to suggest as one of the grounds on which the sentiments which I am expressing are founded, that the right of self-defence cannot be altogether abandoned by a general declaration of non-interference. The same circumstances which would induce government now to oppose Runjeet Singh's progress on the frontier, viz., the dangerous operation of that progress against the interests of the British Government, might authorise, or, on the permanent principle of self-defence, to interfere hereafter, notwithstanding the declaration, if, as may not now be expected, his progress should become dangerous.

This is conceived on the presumption that government has it not at present in contemplation to oppose Runjeet Singh in his attempts to subjugate the Sikhs. If I am mistaken in this presumption, the case is altered, but then it may be observed, his encroachments are already nearly as far advanced as they can be, and he is not likely to be checked except by immediate opposition.

The other advantage of avoiding such a declaration to which I have alluded, viz., that as long as the British Government does not declare that it will never defend any of the Sikh chiefs against Runjeet Singh, these chiefs are not compelled to resign themselves in despondency to his sovereignty, must, I apprehend, be gradually diminished by his increasing unresisted aggressions, and it does not appear that any are led on by the hope of preserving their independence, and obtaining the eventual protection of the British Government, to offer any

united or steady opposition to his arms. The greater number have become companions of his Harem in order to acquire influence sufficient to ward off his blows from their own territories, and for this purpose do not scruple to guide them, and virtually aid against others. Indeed, the original causes of his obtaining any footing in the country were applications made by some of these chiefs for his assistance against others.

I take the liberty of mentioning, that all that I have said on this subject is under the supposition that it is intended to obtain the co-operation of Runjeet Singh against France by conciliation. I have, therefore, endeavoured to express and support my opinions that some such declaration as that required by the Rajah to the degree that may be thought expedient, is necessary for the purpose of conciliation; and that the withholding of that declaration, unaccompanied by actual opposition to his aggression, will hazard the loss of all that is to be gained by conciliating him, without effectually preventing the subjugation of the country between the Sutlej and the Jumna.

Having submitted my opinion that, without this concession, Runjeet Singh cannot be won by conciliation, it is my duty to state, to the best of my judgment, whether from my personal knowledge of his character, it is certain that this concession will completely attach him to the British Government, and secure his cordial co-operation against France, or whether these points will afterwards be subject to doubt.

They will always, I conceive, from the result of my personal intercourse with the Rajah, be subject to doubt. No part of his personal character presents any satisfactory assurance of cordiality, good faith, consistency, or hearty co-operation. For want of consistency and good faith he is justly notorious; my despatches will have described repeated instances of deceit and evasion; he has no regard for truth, and can descend even to the violation of solemn promises; and the whole tenor of his behaviour impresses me most strongly with the conviction of his total want of principle. In the crisis when his exertions may be required, he will, doubtless, without regard to previous

engagements, act according to his view of his interests at the moment.

If ever the agents of French intrigue should find a way to his ear, he is a character well suited for them. He would probably soon fall under the guidance of a French negotiator, who would flatter his pride and vanity, raise ambitious hopes by unbounded promises, and work upon his credulity by any falsehoods. On his character no reliance whatever can, I conceive, be placed; but by the concession which he requires, the British Government will obtain any treaty that may be thought advisable, his aid in maintaining an intercourse with Caubul, the means of marching its armies to or beyond the Indus; and it may be expected that the measures adopted by the Right Honorable the Governor-General in Council having completely anticipated the designs of France in this country, a progressive connexion will be formed with Runjeet Singh, which may not only entirely exclude French intrigue from his councils, but may lead to his conviction, in the hour of contest, that his true interests require the most vigorous co-operation against the designs of France; and circumstances, such as the offer of his territories on the part of France as a temptation to the King of Caubul, may bind him firmly to the cause.

If in the intermediate time his course of measures and conduct should be such as to compel the British Government to change its system, and check his ambition, the evil attending the concession which he desires will not be irretrievable. The increased power which he will acquire by the extension of his acknowledged dominion to the bank of the Jumna, will only be formidable whilst unopposed. The increase of the numbers of his subject chiefs will increase the number of disaffected in his army, and they will not be less ready to join a power opposing him than they are now. In explanation of this opinion, it may be observed that the chiefs to the west of the Sutlej are as anxious to be released from his oppression as those to the east of that river are to avoid it; and that, notwithstanding the care which has been taken by him to prevent the ap-

proach of his chiefs to me, entreaties for protection, and offers of submission to the British Government, have reached me from chiefs on the banks of the Indus, as well as those on the Jumna.

I have considered this question exclusively as it relates to the policy of forming a connexion with Runjeet Singh as a barrier against the designs of France. I am aware that it is before government in a more general view, for the Resident at Dihlee has done me the honor of communicating to me copies of his late despatches to you on this subject.

I now beg leave to advert to the conduct which I have pursued during the agitation of this question on the negotiation with Runjeet Singh. From the tenor of my instructions, and of your despatch to the Resident at Dihlee of the 21st March last, I have conceived it to be the wish of government to refrain from making any declaration expressive of a determination either to support the independent Sikh chiefs against Runjeet Singh, or to permit the subjugation of them by him. I have, therefore, endeavoured, since the first mention of the question, to induce the Rajah to refrain from agitating it, and I have used every argument that appeared to me likely to prevent the reference on this subject.

My advice, however, has always been supposed to come from myself, and I have invariably declared that I had not received any instructions further than to ascertain distinctly the Rajah's views.

If, therefore, it should be thought expedient to grant required concession, it may be made in any way that may be preferred. It may be made without condition, the Rajah being informed that the British Government has never had any concern in the disputes between the Sikh chiefs, and never has intended to interfere; or it may be granted to him as a cession of great importance, which can only be made on such conditions as government may be pleased to annex to it. Government is not committed in any way by my negotiation here to prefer either this or that mode, but can adopt any line of conduct

and any course of argument that may appear to be most advisable.

If it should be determined to grant this concession, I beg leave to solicit orders on the following points:

1. Is the declaration to contain all that he seems to require, that is, the acknowledgment of his sovereignty over all the Sikhs, and an engagement not to oppose the establishment of his sovereignty over them, or only the latter?

There seems to be a considerable difference between the first and last. The first, perhaps, could not be granted without injury to the right of those chiefs who are still independent; since it does not appear to be just to acknowledge his sovereignty over those who have never yet acknowledged it, and over whom it is not perfectly established.

2. Is the declaration to be verbal or written?

Runjeet Singh will certainly wish it to be written.

3. Is the declaration, if written, to be part of a treaty, or a separate engagement?

It will, I conceive, be equally acceptable to him in either way.

4. Are any exceptions to be made in favor of any Sikh chiefs, and if so, what?

5. Are the bounds to which he will be allowed to proceed to be explained to him, and if so, what bounds?

I conclude that it will be deemed proper to explain to him that he is not to consider those parts of the British dominions which are held in Jageer by Sikh chiefs as included in the supposed declaration.

6. Is the dominion of Koonjpoora to be included in the concession, or reserved under the protection of the British Government?

The cause of my putting the last question is, that the cantonment of Kurnal is in a manner dependent for supplies on the town of Koonjpoora, which, with its fort, is about four miles from that post. Being in the possession of a Patan family, it cannot justly be claimed.

I now proceed to the Rajah's other objects.

Third. An engagement not to interfere in favor of the King of Caubul to prevent his aggressions against the King's dominions.

On this subject I have lately been informed by Mr. Elphinstone that he is not entrusted to offer the mediation of the British Government to the King of Caubul. The caution, therefore, which I thought it my duty to observe on this point has been unnecessary; but as no difference would be made in the state of affairs here, by agreeing to enter into a positive engagement to the effect proposed, and as the negotiation is at a stand on another question, I have at present no inducement to alter the language that I have hitherto held on this demand.

The fourth, fifth, sixth, and seventh articles of his proposals can, I conceive, be easily arranged; but it will be very satisfactory to me to receive any instructions which the Right Honorable the Governor-General may be pleased to issue upon them, especially with reference to the mode in which it may be deemed expedient to comply with them.

Eighth. Stipulating against the slaughter of cattle for beef in the Rajah's dominions;—

A verbal assurance to this effect, if deemed proper, will, I imagine, be sufficient.

Ninth. Stipulation that the British Government will never entertain any Sikh in its service;—

This has been withdrawn, but it may be brought forward again. It was mentioned as a condition of the Rajah's concurrence in the proposed co-operation against France. It would be very satisfactory to have instructions for the guidance of my conduct in case that it should be advanced again. I conceive that the Right Honorable the Governor-General in Council will not assent to it, and that Runjeet Singh, much as he may wish it, will not insist upon it. If it is mentioned again before me, I shall suggest that probably the British Government will demand from the Rajah as an equivalent that he shall never take

into his service any Europeans, nor any of the natives of the territories subject to the Honorable Company; and I think that that will be sufficient to stop the demand, as the troops on which Runjeet Singh places his chief dependence are from the Honorable Company's possessions; so are all the people employed in his intelligence department.

I shall do myself the honor, in a subsequent despatch, to submit the best information that I possess concerning Runjeet Singh's country, army, power, and resources.

Before closing this despatch, I beg leave to solicit the indulgence of the Right Honorable the Governor-General to the freedom with which I have offered my opinions on the points which are referred for his Lordship's decision. These I have thought it my duty to submit as the result of local observation, and I trust that in so doing I have acted consistently with his Lordship's wishes.

One subject remains as yet unnoticed, on which it will be very satisfactory to me to receive instructions. It relates to the eventual termination or prolongation of the services of this Mission. The suspicion and uneasiness at first displayed by Runjeet Singh at the presence of this Mission, seems to have subsided, but I cannot say that he has shown any eagerness for the continuance of it to an indefinite period. As his jealousy of the Mission on its arrival was too remarkable to escape notice, I have never even hinted at the question of its continuance, and he seems designedly to have been silent on the same point.

TO N. B. EDMONSTONE, ESQ., CHIEF SECRETARY.

November 6, 1808.

SIR,—It appears to me to be proper at the present time, under the circumstance of the reference which has been made to the Right Honorable the Governor-General in Council, to submit for his Lordship's notice all the information that I pos-

sess concerning Runjeet Singh's power. At the same time, it is necessary to observe that the conduct which I have thought it my duty to pursue since my arrival in the Rajah's camp, in order to appease his jealousies, has deprived me of the means of giving any minute or valuable intelligence; for, instead of seeking information, I have purposely refrained from all inquiries; and what I have to offer is the result of silent observation and unsought communications.

His army first excites attention, because his government, his power, his resources, his policy, and his habits are all military. His army is of two kinds: one looks up to him immediately as its commander, and the other is subordinate to the several chiefs of rank who accompany him.

That which for the sake of distinction may be called his own army, contains infantry, cavalry, and artillery.

This infantry may be classed into regular and irregular.

The regulars are composed of the remains of the battalions that were formerly in the service of Sindhiah and other native powers, together with deserters or men discharged from the Honorable Company's territories. These troops have been formed into five battalions, four of Telingas, or Poorbeeas, the same men as the British Sepoys, and one of Hindostanees or Rohillas, containing from two to four hundred men each. The whole number in the Rajah's service may amount to twelve or fifteen hundred men. A portion of one or two battalions are armed with muskets; the rest with matchlocks, to which I believe bayonets are attached, and all carry swords. I imagine that the men are not all dressed in uniform. I have never seen them in a body, but have seen several with coats in the style of the Company's Sepoys, but more without. They have no caps, but wear in general a scarlet turban. These troops are paid in coin, which it is proper to remark, because it is the only part of his permanent army that is so paid. The pay of the privates is nine rupees per mensem, subject to a deduction of twelve annas on account of the paymasters and accountants attached to the corps, which is less by four annas than the clear

field allowance of the Sepoys of the Honorable Company's service.

I cannot speak as to the discipline of these troops, but a certain degree of regular discipline is common throughout India, in consequence of the multiplicity of corps of this description established of late years in the service of the native powers, and those in the army of Runjeet Singh are, I suppose, neither better nor worse than the generality of those that are not under the management of European officers. These battalions accompany the guns, and with them form the principal strength of Runjeet Singh—that is, in his own belief; and indeed, in the war of subjugation and exaction which he carries on against petty chiefs, they do form his principal strength; but any reliance on them in a contest with a power possessing a regular army would probably prove fatal to him. This species of force is of late introduction in his army.

The irregular infantry is collected when required from the country. Of these there are two descriptions: those that are always entertained, and those that are levied on occasion. The former hold lands in exchange for their military service, and can always be called upon. The latter are hired, and receive pay in coin. Runjeet Singh levied a considerable number of these for this campaign, but finding the expense insupportable, he dismissed them, to the number of about four thousand, at Fureedkote. The irregular infantry are armed with matchlocks, or spears, or bows and arrows, but always with the addition of a sword. The number of these it would be difficult to calculate, as it might be increased to any amount from the country upon an exigency; but the number that the Rajah could support for any length of time cannot be very great.

The train of artillery which Runjeet Singh parades about the country, and which, without firing a shot, strikes terror into the minds of all and prevents the thoughts of opposition, consists of thirty-five or forty pieces of various sorts and sizes. In visiting the Rajah, I have occasionally observed in his camp

some brass guns, seemingly six-pounders, of a neat appearance; otherwise I have not seen any of his artillery, except four heavy pieces, which on the morning of his march from Kussoor were marched past the camp of the Mission, evidently for the purpose of being noticed, as the other guns and the army in general marched by another and a better road. These guns, of which the Rajah is very proud, and which, under the appropriate appellation of great guns, are bugbears to the unfortunate people, who would wish if possible to oppose his oppression, are on carriages with three wheels, one small one being fixed in the truck, and are without limbers; each is drawn by forty or fifty buffaloes; they are iron, and have the appearance of 18 and 24-pounders.

The Rajah's attachment to guns, and his opinion of their weight, are both so great, that he will never miss an opportunity of obtaining a gun. If he hears that there is a gun in any fort, he cannot rest until he has taken the fort to get at the gun, or until the gun has been given up to him to save the fort. He immediately dismounts the gun from the wall, and drags it after him as an addition to his field-train. He has, it is said, procured three guns from Umballa. He boasted to me once, that he had made the Rajah of Puteealah give him a fine gun which the Rajah wished to rescue for twenty thousand rupees. Exclusive of his guns, he has a number of swivels mounted on camels. His artillerymen are partly from Hindostan and partly natives of the Punjab. The Hindostanee artillerymen are the best; and without particular reference to Runjeet Singh's army, these are known to be generally skilful, brave, very steady, and devoted to their guns.

The Hindostanee artillerymen are paid in coin, and the Punjabee in land.

The cavalry of the army is numerous and well equipped. The horsemen are generally armed with a matchlock, in the use of which, as well as in the management of their horses, they are expert. Their mode of fighting is calculated to harass troops without cavalry. Individuals rush forward in numbers,

but scattered so as to present no object of attack, halt, fire their pieces at the enemy, and gallop back again to the main body, which is kept beyond the reach of cannon-shot. Cavalry acting this way continually against a column of infantry on its march might harass it exceedingly; and in possession of a jungle or cultivated country through which an army might have to march, their fire might be very galling. I believe that the detachments which contended with the Sikhs in the Doab in the year 1804 and 1805, and finally expelled them, were much troubled by this mode of warfare. The Rajah, in the exhibition which he performed in my presence, practised a manœuvre of drawing up the small party of cavalry that he had with him in a line, and kept up a continued and quick fire from matchlocks upon a supposed enemy with great steadiness on the part of both men and horses. It would be impossible, however, I suppose, to execute the same manœuvres either in great numbers, or in the confusion of the field of battle, and it could not be tried with any effect except against infantry without guns. Lands are assigned for the support of the cavalry; and the principal portion of the country is occupied by them.

I have no certain means of judging what number the Rajah on an emergency could bring together. He had with him, when he marched from Kussoor, about 3000; and may have a greater number at present, as he has lately been joined by a detachment from the borders of Mooltan.

The troops of the chiefs who attend him consist of cavalry and irregular infantry, serving for lands in the same manner as the same descriptions before mentioned.

The chiefs have no guns, for Runjeet Singh has established a monopoly of these—in other words, considers them always as the property of the State. The amount of his force I cannot state with any accuracy. It is said, in round numbers, that the Rajah can, at the utmost, bring into the field 15,000, his own troops, including all descriptions, and that his chiefs can collect about the same number.

It is scarcely necessary to observe that common report swells the amount of his army to a much greater number, and that he encourages the error. He speaks as if he had the disposal of hundreds of thousands. He talked to me one day of sending a hundred thousand to the assistance of the Rajah of Bikaner.

I conceive that the following estimate exceeds, in some degree, the real amount of his whole force:

Regular infantry . . .	15,000
Irregular ditto	5,000
Cavalry	6,000
Total . . .	26,000
Guns	40
Camel swivels	100

This estimate cannot be quite accurate, but I believe it to be nearly so, and rather above than below. In the army now with him there are not, I imagine, more than 12,000 fighting men.

The resources by which the army is maintained are derived from contributions levied year after year upon those chiefs and places which the Rajah designs to subjugate. Since the rise of his power he has each successive year achieved some new conquest, which has, for that season, supported his army. To compare small things with great, his system is the same in this respect with that of the present ruler of France. His restless ambition, and the weakness and want of union prevailing around him, prompt him to invade the territories of his neighbours; the service requires an increase of force, and the increase of force renders necessary another invasion of some other territory, as the resources of his own are not equal to his expenses.

A country completely conquered ceases to be productive. Having levied heavy contributions, and supported his army on it for a period, he gives it to a favorite, or some chief, who, on

receiving it, makes a considerable present to the Rajah. This country is then left unmolested for the sake of the chief to whom it has been given, and the Rajah's arms are turned towards a new conquest. Unless a complete change should take place in his system, he must continue to invade new countries, otherwise he will not be able to support his army, although he has only to provide money for his infantry, part of his artillery, and extraordinary levies of troops.

It is almost incredible, yet it is asserted, that he has scarcely any regular revenue from his country. I have heard of one district which is rented for sixty thousand rupees per annum, and there may, and probably must be, some other under similar circumstances; yet the instance was mentioned as an exception to the general state of the country, which is, for the most part, held in Jaidee for the maintenance of troops, or subject to subordinate chiefs. Runjeet Singh is in consequence free from the trouble and expense of civil government, and always at leisure to put himself at the head of his army.

For the support of the army on a campaign, it is his custom to take the field at those seasons when the crops are sufficiently advanced to afford nourishment to the cavalry and cattle. One season is in September and October, and the other in February and March. The horses and cattle have no other food than what is obtained from the country. I am informed that he quits the field as soon as the crops are gathered; the time is approaching, and I shall probably have an opportunity of ascertaining whether this account is true or not.

His troops in general take the field prepared only for a short campaign, and have no relish for a long one. They wish soon to return to their home, and when the sum which they had brought from their villages for their disbursement is expended, they quit the army. Many withdrew when Runjeet Singh marched from Kussoor, and more when he directed his march towards the desert. The chiefs in particular are disgusted at being dragged from their domains to follow him on

expeditions for his personal aggrandisement, in which they have no interest, but which, on the contrary, by increasing his power, draw tighter the chains that he has put on them.

His triumphs seem in general to be bloodless. His uninterrupted success hitherto, and the large force which he carries with him, have the effect of preventing opposition. Where he sees an inclination to oppose, he appears to act with caution, and not to be too eager in attacking. Where he thinks the instant and complete subjection of a chief or place doubtful, he is willing to temporise; content with a small acknowledgment of his superiority as a beginning, leaves the completion of his plan to another time, and by degrees gains his ultimate object. He generally takes advantage at a favorable moment of any weakness or confusion in the petty states, occasioned either by internal dissensions, or the deaths of chiefs or other circumstances. In 1806 and 1807 he conquered the country called the Rae country, on the left bank of the Sutlej, the chief of which had died, and which was then in the feeble hands of the chief's widow. He has within the last few days taken possession of Umballa, which was exactly under the same circumstances. From Umballa he has proceeded to Shahabad with similar views, which was in the possession of the sons of Kurm Singh Nurumchi, who lately died. The Ranee fled from Umballa, and the sons of Kurm Singh fled from Shahabad at his approach.

I have occasionally mentioned the disaffection prevailing among the chiefs of this country.* This is almost universal, and if at any future period the ambition and encroachment of Runjeet Singh should compel the British Government to go to war with him, it might perhaps be taken advantage of to destroy effectually his power. Surdur Futteh Singh of Aloor has been supposed to be particularly attached to the Rajah, but he is in reality particularly discontented with him. Runjeet Singh and Futteh Singh entered into alliance in early life,

* The country afterwards known as that of the protected Sikh States.

and to this alliance the former is principally indebted for his extraordinary rise. The quiet character of Futteh Singh, who was the equal if not the superior in rank and power of Runjeet Singh, has yielded to the bold, commanding spirit of the other, and he has been the ladder by which Runjeet Singh has mounted to greatness. He now finds himself not a companion and friend of an equal as formerly, but the nominal favorite of a master. The outward show of intimacy and friendship is preserved, but there is no confidence. He is not of the Rajah's council, nor is he entrusted with his secrets, but he marches with a considerable force in the train of Runjeet Singh, without knowing whither or for what purpose. Futteh Singh, in rank and consideration, in military force and territorial possessions, is the first of the chiefs of Runjeet Singh's army. He possesses the country east of the Sutlej, from Jaguaum to that river, the country in general between the Sutlej and the Beeas, and the country to the west of the Beeas as far as Umritsur. He has a very fair reputation, and is looked up to by the disaffected as the fit person to be put at the head of a confederacy to throw off the yoke; but he is evidently not a revolutionist; he is mild and good-natured, seemingly simple, and undoubtedly wanting in energy. This is the chief who was in Lord Lake's camp on the banks of the Beeas; he there acquired a respect for the British character, which causes him to look to the British Government with the hope of obtaining from it a release from the overbearing tyranny of Runjeet Singh. As a matter of information, I have thought it proper to mention the circumstances of this chief, whose case may be entitled to attention with reference to future possible events, from the situation and extent of his country, and his personal character and disposition.

THE LAND REVENUE OF DELHI.

[1815.]

[From a long and elaborate report to the Supreme Government on the civil administration, and more especially upon the revenue affairs of Delhi, the annexed passages are taken. They are intended not only to show what was the system pursued at Delhi, but also to indicate the general opinions of the writer on the great subject of Revenue administration. Metcalfe was one of the earliest and the warmest supporters of the claims of the village Zumeendars; and the opinions which he expressed at Delhi were consistently maintained and enforced during his subsequent connexion with the Supreme Government.]

PAST SYSTEMS.—The accounts of the increasing progress of our land revenue in past years are far from unfavorable in appearance.

With respect, however, to this branch of revenue, by far the most considerable and most important of all, I should deceive the Governor-General if I were to represent the situation of the landholders, from whom the revenue is collected, as being exactly that in which I wish to see them.

Much discontent prevails among them, which I attribute to the frequent recurrence of new settlements, attended by fresh demands for an increase of revenue. This is an evil which is always likely to attend short settlements, and which is unfortunately increased by the dutiful zeal of public officers to obtain the full dues of government at every settlement.

Mr. Seton* introduced the system of village settlements, and the first settlements made by an European officer were made by me, under Mr. Seton's instructions, when I was his assistant.

The first was a settlement for one year, and was made with some difficulty, owing to the reluctance of one part of the people to become responsible for the payment of money rents, and of another part to pay any revenue whatever. The second settlement was for three years, and was made with greater ease.

These settlements were made purposely light, in order to conciliate and encourage the cultivators; and the full due of government was not exacted, on the principle that it was good policy to sacrifice a part, for the future benefit both of the cultivators and the government.

The settlements, in every instance in which it was practicable, were made with the villages represented by the head men. Where it was found impossible to persuade the village landholders to enter into engagements, the villages were given in lease to farmers.

Subsequently to that period various settlements have been made in the several districts of this territory for two, three, four, and five years.

In these latter settlements greater attention has been paid to the rights of government, and the revenue has been considerably increased. But the continued increase has dissatisfied the landholders, and either from conceiving the amount latterly demanded to be excessive, or from a desire to evade the payment of the rent due to government, the landholders have of late, in many instances, declined the settlements proposed.

When this has been the case, recourse has been had to the system of levying the rent of government by taking its share of every crop, either in kind, or in a money valuation.

I regret the necessity of these measures, both because I am apprehensive of immediate injury from them, and because they

* Mr. Archibald Seton—Metcalfe's predecessor at Delhi—afterwards a member of the Supreme Council.

are destructive of the system which I have at heart; and neither tend, in my opinion, to the benefit of government, nor to that of the cultivator. It is my present wish and intention to establish such a system as shall prevent a recurrence of the same necessity.

This may be effected, I conceive, by long settlements on moderate terms, in a manner explained in the subsequent part of this report.

RIGHTS OF THE VILLAGE ZUMEENDARS.—What men can have greater right than those whose ancestors have occupied the same lands and habitations from time immemorial? who live on the soil entirely, and cultivate it at their own expense and by their own labour; who receive it by hereditary succession or by purchase; who leave it to their children, or, if reduced to necessity, sell it or mortgage it; or, if they choose, transfer it by gift during their lives?

These rights are exercised by the Zumeendars, and have been exercised for centuries. If they be not sufficient to constitute undoubted property, they are surely sufficient to confer a paramount claim.

Let it be supposed that these rights were authoritatively made to cease, and that another person were vested with proprietary right over the land, to sell or otherwise dispose of it at his sole pleasure, would it not be a great cruelty and injustice towards the Zumeendars?

No other person could exercise a perfect proprietary right without the total destruction of the rights hitherto enjoyed by the Zumeendars. But with what pretence of justice could these rights be destroyed?

It is to be apprehended that they have been destroyed in some parts of our territory by the creation of new rights in others; but it is not my intention to discuss what may have been done on other occasions, though I conceive it to be my duty to advocate the rights of the village Zumeendars in the territory under my superintendence.

Notwithstanding the numerous revolutions which have taken place in this part of India, the rights of the village Zumeendars have generally been held sacred—more sacred, it seems to me, than any other property—and though numerous sorts of oppression have been devised, it does not appear that any oppressor, generally speaking, has presumed to meddle with these rights.

It is probable that expediency has operated to secure them as much at the least as justice; but be the cause what it may, it appears to me that the most clear and most distinct rights held in this part of India are those of the village Zumeendars.

Arrangements occasionally take place which appear to imply either a misconception or a neglect of the rights of village Zumeendars.

There is frequently a disposition shown to establish the proprietary right of others to the exclusion of village Zumeendars.

It was once proposed on the part of government to make Maliks of the village Mokuddums; in other words, to convert those who are deputies from the body of landholders for the management of the concerns of the village into absolute proprietors of all the lands of the whole village, to the entire exclusion and extinction of the rights of the great body of their constituents, the village landholders, which would be similar to making over in absolute property to the individuals composing the Court of Directors of the East India Company all the stock belonging to the proprietors of the said Company; or to making a member of the House of Commons sole proprietor of all the lands in the county which returns him to Parliament.

The sale of lands for arrears of revenue is a common instance of the little consideration in which the Zumeendaree rights are held by government. For trifling arrears of revenue, which might be realised in subsequent years, the hereditary rights of families, which have existed for centuries, are annihilated, and a new right of absolute property established in favor of other persons, purchasers of the proprietary right at the public auction; by which purchase the original proprietors or Zumeen-

dars must either become the laborers of the new proprietor, or quit their houses and lands, their country and home, for ever.

The custom of selling lands for arrears of revenue has not yet found its way into this district, and I trust that it never may be introduced. I hope and believe that it will never be necessary. Except in extreme cases, such as actual rebellion on the part of all the Zumeendars whose property is to be sold, it appears to be harsh and cruel, and is certainly unpopular and disgusting, and a cause of permanent reproach to our government.

If the rights of the Zumeendars be acknowledged, to the extent in which they have heretofore enjoyed those rights, it will readily follow that they are the rightful claimants for the possession of any proprietary rights that the government may deem it expedient or just to acknowledge in its subjects; and the policy of confirming their present rights, and granting them more than they at present are entitled to, will consequently be admitted.

The present rights of the village Zumeendars appear to be the possessory property of the land; but the revenue or rent due from the land is payable either directly to the government collector, or to a Jageerdar, Istimrardar, Teekadar, or any other intermediate person to whom the revenue or rents of the lands may have been assigned.

The additional right which it seems desirable to confer on the Zumeendars is that of paying the revenue, in all cases in which it is possible, directly to government, to the entire exclusion of such persons as those above named, in order that the profits of the cultivation may always accrue to those who are equally the hereditary possessors and the actual cultivators of the land, and not to those who have no original or hereditary interest in the land, and who cannot cultivate except by the hands of the Zumeendars.

The sacred, hereditary, and transferable right of possession of the cultivators is admitted by some of the warmest advocates for the proprietary right of the government.

It is remarkable that these are not the greatest enemies of the village Zumeendars; for these writers constantly support the village Zumeendars, under the denomination of Ryuts, or perpetual tenants of the Crown.

The greatest enemies of the village Zumeendars are those writers who, wishing to advocate the rights of private property, applied English ideas and systems to India, classed the cultivators of India, the poor but lawful hereditary possessors of the land, with the laborers of England, and consigned their lands in absolute property to rich individuals, because the latter seemed calculated to figure in the scheme for the settlement of India in the place of the great land proprietors of England.

Whether the proprietary right of the government be affirmed or denied, the actual rights of the villagers seem to be unassailable. If it be affirmed, the ablest advocates for the proprietary right of the government nevertheless admit the possessory right of the cultivators as perpetual tenants. If the proprietary right of the government be denied or ceded, where can that right so reasonably rest as with the hereditary possessors and cultivators of the land?

The right of transferring their land is an acknowledged part of the possessory right of the village landholders, and the confirmed exercise of this right is essential to secure the benefits anticipated from the operation of the system recommended in this report. One of the greatest sweets of the good use of property is the power of acquiring more. The ability to purchase would be a great incitement to industry under a system which, by securing to every man the enjoyment and use of his land, would make the possession of it a source of consequence as well as profit.

The consequence and profit arising from this source are within the recollection of the inhabitants of this territory, and prevailed to a certain extent before the establishment of our government. It is remarkable that it waso ur government that destroyed them, but from causes which made it almost necessary to do so.

The government which preceded us were too weak to extort from the people the full dues of government; and in many parts of this territory the Zumeendars cultivated chiefly, if not solely, for their own benefit. The principal landholders became men of consequence and men of wealth.

It was not till after several years from our conquest that the Zumeendars of parts of this territory were thoroughly brought under government. This was effected, during Mr. Seton's Residency, by the measures of mingled mildness and firmness which he directed. Still instances occur of the breaking out of that independent and refractory spirit which was cherished by the weakness of former governments.

Since the establishment of our government over the Zumeendars, our increasing demands for revenue in rapidly-succeeding settlements, and our power to enforce the payment of the just dues of government, have completely destroyed the consequence of the principal landholders, and impoverished all those who were formerly able to oppose the government.

The introduction of our government has consequently been disadvantageous to these people, and it is not to be wondered at that those of this description are generally discontented and disaffected.

It is, however, in the power of government to reverse the case, and to confer on these Zumeendars rights, privileges, consequence, and wealth, such as they never knew before.

Their former wealth and consequence were precarious and devoid of security. Though they successfully resisted the weak local government, they had always the apprehension that a powerful army might be sent to plunder them, and this occasionally occurred. They knew also that the government, if it could ever subdue them, even for a short period, would take advantage of the opportunity to fleece them.

The natural consequence of this state of insecurity was, that money was spent as soon as acquired. Hence a spirit of extravagance arose, which still exists, and which it may require some time to remove.

In exchange for this insecurity it is in the power of government to confer security. Instead of wealth lawlessly acquired by opposition to the government, and hastily spent to avoid plunder, we may confer the power of acquiring solid, legitimate, and lasting wealth, which shall be cherished, applauded, and upheld by the government; which shall be a source of consequence in the eyes of the people, and of flattering distinction on the part of the rulers.

Then, instead of dissatisfied and disaffected landholders, truly complaining that we have injured them by diminishing their consequence and their profits, we may expect to have landholders bound to us by the strongest ties of self-interest, and acknowledging, from irresistible conviction, the incomparable benefits of our rule.

SYSTEM PROPOSED.—I now proceed to describe the nature of the settlements which I would propose to have concluded with the village Zumeendars.

Every village is inhabited, wholly or partially, by Zumeendars, or possessory proprietors of the land. These are the persons with whom the settlement ought to be made; but as the number of them is generally too great for the transaction of business, a certain number of Mokuddums, or head men, being in general the men of the greatest property and influence in the village, act on the part of the village, agree to terms, sign engagements, and transact negotiations. The village is bound by their acts.

The Mokuddums, having concluded the settlement with the officers of government, are charged with the duty of collecting the revenue in the village.

The collections in the village may be made in two ways. One is in the mode termed *bautch*, which is a proportionate assessment on the lands of the several Zumeendars, with reference to the amount of the whole revenue to be paid. Where this mode of *bautch* prevails, the Mokuddums have a claim to an allowance for their trouble in collecting, which allowance

is termed Mokuddumee. It may either be paid by government, and thus form a deduction from the revenue, or by the village, and thus form an increase to the assessment. Another mode is by *bautase*—that is, the Mokuddums collect the government share of the produce in kind from the other Zumeendars and Ryuts. When this arrangement is practised, the Mokuddums, in fact, become farmers. The profit is theirs, and the loss ought to be theirs also. They are supposed to profit; and the labor which they undertake being for their own advantage, they are not entitled to any other remuneration.

It is generally observable that, where the system of *bautch* prevails, the constitution of the village is democratic, and the division of property is nearly equal. Where the other practice is customary, the village may be said to be governed by an oligarchy, and all the land, or all the influence, is in the hands of a few.

In future settlements it would appear to be advisable to pursue the same plan with regard to the internal administration of the village that has hitherto been followed, and after fixing the assessment of a village, to let the collections be made according to the local rules and customs, without, however, precluding improvement and amendment when those be practicable.

Thus, though it seems to be preferable that settlements should at present be made with villages represented by their Mokuddums, the time may come when it will be preferable to make settlements with individual Zumeendars, on account of the revenue or rent of the land actually in their possession. It may be expected that the desire for these separate settlements will arise in the minds of the Zumeendars when their property, their security, and their consequence shall be gradually increasing.

Settlements should be made with villages for periods of ten, twenty, thirty, forty, fifty, or a hundred years; the longer perhaps the better. At all events, the periods should be sufficiently long to admit of considerable profit being made by the cultivators from their own labor and enterprise.

This is the very essence of the system proposed. If the

principal object were to extort rigidly the right of government on every acre of cultivation, it is possible, that by able and considerate management on that system, a greater revenue might be realised for some time to come; but then the slightest excess in so delicate a system would be productive of ruinous consequences; and under the most favorable circumstances the situation of the cultivators would remain as it is at present, without rise or improvement.

RESULTS OF THE PROPOSED SYSTEM.—The system herein proposed, of giving to the cultivators greater security of property in their lands, and encouragement to labor for their own exclusive benefit, would doubtless, in the course of time, produce a great change in the character of the agricultural class of our subjects.

It does not seem to be difficult to foresee some of the effects which must take place at no distant period from allowing the cultivator to reap the exclusive benefit of his own labor during a long settlement or lease.

It may be anticipated that they would show themselves both in the increase of cultivation and in the superior quality of the produce. The person who before cultivated one field, which sufficed to support his family and enabled him to pay the revenue of government, would cultivate more, according to the extent of his land and his means. He whose land was already filled with cultivation, would set about increasing the produce, both by sowing more valuable crops, and by improving the soil. Then would follow the study and the practice of the best modes of improving the value of land. The person who had only one plough would contrive to procure several. He who before had only cultivated a little bajra or jowar, or other coarse grain, in the rainy season, trusting to the rain of heaven for his annual harvest, would make a well, and secure a good crop of wheat, sugar-cane, or tobacco, or other produce yielding a rich return.

At the expiration of the period of the settlement or lease the

village would be able to afford an increase of revenue, and the cultivators would set out again on a new settlement with fresh vigor and enterprise.

The increase of wealth, joined to the security of property, would in some instances lead to amassing, while in others the acquisition of money would lead to a profuse expenditure. The wealth amassed by one would probably be dissipated by his descendants. The value of land, however, and landed property, would increase. Numerous transfers would take place; prudence would be rewarded by increase of property; extravagance would suffer, but would, at the same time, encourage the industry of others.

The love of comfort would increase with the acquisition of wealth; a greater demand would prevail for the manufactures and the productions of the arts; the revenue of the government and the wealth of its subjects would alike be promoted by this process.

From the security of property and consequent independence would arise much variety in character and situation. Each village would become a county town, and would have its substantial land-proprietors, cultivating laborers, its farmers and tenants, its mechanics, its tradesmen, all following their respective professions, according to the division of labor which self-interest and the increasing demand for all articles of comfort and luxury would suggest.

Another effect to be expected from this system of settlement is a considerable increase of the number of our subjects by emigration from foreign countries. Our Zumeendars, for their own interests, would entice numbers to come and settle in their villages. The new comers would be the tenants of the village Zumeendars, and would enrich the latter and support themselves at the same time, and eventually might acquire property in the village, of which their descendants would become established inhabitants and resident landholders.

It is proper to consider what would be the effect of such a system on the attachment of our subjects. It is evident that

we do not at present possess their hearty affections. There is no reason why we should. There is necessarily a wide separation between them and us, arising out of our being foreigners and conquerors, and the difference in color, country, religion, language, dress, manners, habits, tastes, and ideas.

This is a natural obstacle which we have to get over before we can win their affections. And the only mode of getting over it is by conferring on them benefits which they must feel and acknowledge every day and every hour.

Hitherto our government has not conferred any such benefit on the mass of our subjects—that is to say, the cultivating inhabitants of our villages. The permanent settlement has kept them down in Bengal, and ensured their permanent depression. No system has yet been adopted in the Upper Provinces calculated sufficiently to secure for them any permanent advantages.

We should deceive ourselves if we were to suppose that the system of justice which we have introduced is acknowledged to be such a blessing as we conceive it to be. That it performs considerable good there can be no doubt; but, like most human institutions, it has its attendant evils. These are felt more than its benefits, and our Courts of Justice are generally spoken of with disgust, with ridicule, or with fear, but seldom, if ever, with cordial approbation and respect.

It is remarkable that the natives discriminate between the character of British functionaries and that of our Courts of Justice. While they abuse the latter as scenes of injustice and corruption, where nothing is to be obtained but by bribery, and where plaintiff and defendant are alike plundered by native officers and native attorneys, they seem to acquit the British judge of any share in the nefarious practices which they attribute to his Court, and constantly appeal to the individual justice of the judge against the decree which they suppose to have been put into his mouth by the corrupt officers of his Court.

Any discussion regarding the Courts of Justice would be foreign to the subject of this Report. The preceding observations have been introduced merely to elucidate the remark

which was previously made, stating that our rule had not yet conferred any such benefit on our subjects as, being acknowledged by them from conviction, can form a ground of strong attachment sufficient to overcome the obstacles imposed by original differences.

But if the effects which have been anticipated be the result of the system of village settlements proposed, we shall then certainly have a claim on the affection of that numerous class of our subjects, the village landholders.

They will compare their own situation with that of the cultivators living under other governments; they will acknowledge that we have conferred on them unrivalled advantages; they will feel that their interests are identified with ours. And if once this feeling be established, the consequent advantages would be immense. Instead of requiring, as at present, troops to control our villagers, we might depend on the latter for the defence of the country against foreign enemies, and the support of the government in any case of internal disturbance.

It is, perhaps, impossible to foresee all the remote effects of such a system; and there may be those who would argue that it is injudicious to establish a system which, by exciting a free and independent character, may possibly lead at a future period to dangerous consequences.

There does not appear to be sufficient reason to apprehend any evil consequences, even at a remote period, from the introduction of this system. It rather seems that the establishment of such advantages for the bulk of our subjects ought to attach them to the government which confers the benefit.

But even supposing the remote possibility of the evil consequences which may be apprehended, that would not be a sufficient reason for withholding any advantages from our subjects.

Similar objections have been urged against our attempting to promote the education of our native subjects; but how unworthy it would be of a liberal government to give weight to such objections.

The world is governed by an irresistible Power, which giveth and taketh away dominion; and vain would be the impotent prudence of men against the operations of its almighty influence. All that rulers can do is to merit dominion by promoting the happiness of those under them.

If we perform our duty in this respect, the gratitude of India, and the admiration of the world, will accompany our name through all ages, whatever may be the revolutions of futurity; but if we withhold blessings from our subjects from a selfish apprehension of possible danger at a remote period, we shall not deserve to keep our dominion; we shall merit that reverse which time has possibly in store for us; and shall fall with the mingled hatred and contempt, the hisses and execrations, of mankind.

ADVANTAGES OF MODERATE ASSESSMENTS.

[The following private letter, a copy of which I find without date, but which seems to have been written in 1826, after Metcalfe's second appointment to Delhi, illustrates the mild, benevolent character of his dealings with the people committed to his care. He was always of opinion that Mr. William Fraser, his chief assistant, whose energy and ability he admired and applauded, was too harsh and unconciliatory in his measures; and, on these grounds, he declined to recommend his appointment to the chief seat in the government of Delhi. He was subsequently, however, appointed Governor-General's Agent there, and held the appointment up to the time of his death by the hand of an assassin, instigated by Shumshoodeen, Newab of Ferozepore.]

TO WILLIAM FRASER, ESQ.

MY DEAR FRASER,—I take advantage of being on board my boat, with a respite between the business I had at Dihlee and that which awaits me at Futtehghur, to make some desultory observations in reply to your interesting and friendly letters respecting the revenue system of our territory.

The difference between the system you follow and that which I would like to see established appears to me to be this: you insist on the full share of government, and make that your principal, if not your sole, object. I think that the established share of government is too much, that it ought never to be rigidly exacted, that the interests of government would be more promoted by taking less, and that the revenue would in time be more increased if the cultivators were allowed to enjoy in greater freedom the produce of their own industry.

In making a settlement, we must, of course, take the established share of government as a foundation. But, in the calculations ensuing, I would lean to the interests of the culti-

vators, and make the terms of the settlement light and easy for them. And by making the settlements for long periods I would hold out to them the prospect of great profit from their own industry. I think that the result would greatly enrich the government by enriching the body of the people.

I would avoid the practice of measuring the crops, that being a practice which is universally disgusting, and which, it appears to me, cannot fail of being so. Putting myself in the situation of the cultivators, I feel that I would, if possible, give up cultivation in disgust if I could not raise a field of corn without the collector's people coming to measure it, and exact the full share, and perhaps more than the share, of government.

All compulsory measures in cultivation appear to me to be bad; and whenever it may be necessary to bind people by penalties to cultivate a certain quantity of land, or certain sorts of grain, and not to cultivate in other villages, such measures I should lament as the bad effects of a rigid and violent system.

I would depend for a future increase of revenue on the effects, which I believe to be natural, of allowing men to reap the benefit of their own industry. I would let them cultivate as much or as little as they found it for their own interest to cultivate; and the sort of grain or other produce should be at their own option. The benefit which they would derive from cultivating their own land I should expect would render any restraint on that point unnecessary.

No people labor so indolently as those who work in chains and by compulsion. Hearty exertion is always self-willed, and with a view to self-interest.

The justice, the benevolence, the wisdom, the expediency, the necessity of a system of conciliation towards the Zumeendars, would appear to me to be indisputable, were it not that you apparently pursue one of compulsion.

If you think that force alone is calculated for the management of these people, I shall respect both your opinion and your experience, but it will require strong proofs to convince me.

The difference in revenue between a light settlement and a rigid one may not be very great; but the difference in consequences is incalculable. A few thousand rupees too much exacted may ruin a district, and drive the inhabitants to emigration.

You appear to be convinced that your assessments have been fair and moderate. That they have been fair I have no doubt; but, judging from the consequences, I should suppose that they had borne hard on the people. Has it not been a common practice to sell cattle, jewels, and other property for the realisation of revenue? Has not very general distress been occasioned in consequence? Does not the difficulty of realising the revenue increase every day? Is not discontent prevalent? Have not the inhabitants in some instances quitted their lands, and in others reduced their cultivation? Are not the number of ploughs diminished?

One-half of the produce, as the share of government, is in itself, I think, a heavy assessment. But this is frequently increased by the manner of calculating and fixing the money value of that share. Then come the additional burdens of Dustukana, Talukana, &c., of which you know the detail and amount better than I do. Considering that the cultivators have also all the expense, labor, and risk on their side, I confess I wonder how they can bear such an assessment.

You are disposed, I believe, to attribute the prevailing discontent to the refractory disposition of the people, and you anticipate bad consequences from any attempt to conciliate them. I am not myself disposed to yield anything to unfounded discontent, but I think that a mixture of conciliation and firmness is the system best suited even for refractory people; and I dread nothing less than the ruin and depopulation ofour territory from a continual contest between the government and the cultivators.

In proposing the settlement of '21 for the Northern Purgunnahs, I was actuated by a wish that the revenue might not decrease; and in the view which I had of the subject I would

have been satisfied without an increase. You do not appear to entertain the same alarm that I do lest the revenue should decrease; and I anxiously hope that my fears may be erroneous.

I should still be satisfied with the settlement of '21 for the Northern Purgunnahs, modified so as to equalise the assessments on the different villages; but if the people will agree to a better settlement, so much the better. Their profits, according to my ideas, will be derived from the length of the settlement and the security of enjoying the produce of their own labor, more than from a moderate difference in the assessment. But they do not seem to be inclined to agree even to the assessment of '21.

With respect to Hurreeana, believing that that country ought to be brought forward by light and indulgent settlements, I could, without any self-reproach for breach of duty to the public, conclude a long settlement, even without an accurate knowledge of the means of each village, because I believe that the interests of government will eventually be much more benefited by the confidence and prosperity which a long and easy settlement would diffuse among the people, than by the exaction of the amount of its full share of the produce. The more accurate our knowledge, however, the better, provided that we do not too much alarm the people in obtaining it. As you warned me against taking too little from Hurreeana, let me entreat you not to take too much. I dread the effect of rigorous exactions, repeated measurings, &c., &c., in that country. Its cultivation and revenue have increased under a lenient system, and I am apprehensive that the consequences of a harsh one would be injurious to both.

With regard to waste lands, as long as we are trying, season after season, to extract the utmost from every village, and are fighting with the Zumeendars to prevent their cultivating in any village but their own, it would certainly be injudicious to let any waste lands for small sums on long leases, unless to people who would engage to bring in foreigners. But if the system be established which I wish to see, there will, perhaps, be no

danger in letting waste lands for small sums at first, as all the lands in the country being on long leases, people will have sufficient inducement to cultivate their own lands. The waste lands may be brought gradually into cultivation without present detriment, and with great future advantage to the revenue, and numbers of foreigners may be tempted to settle in our country.

In short, my dear Fraser, I think that your system attends only to the present and neglects the future, sacrificing for our temporary and delusive increase of revenue the affections and prosperity of our subjects, and, of course, the real prosperity and the revenue of government.

I have given you my sentiments candidly. I have not the presumption to suppose that mine must be right and yours wrong; but every man retains his own till convinced that they are erroneous. I shall be happy to know your opinion of mine. Perhaps you may think them visionary, and be of opinion that the solid advantage of a present increase of revenue is worth more than all the golden prospects that I have placed before my eyes. Perhaps you may think my plans altogether erroneous, and not calculated to produce the effects that I have in view. Whatever your opinions may be I shall be glad to know them, and I trust that good will somehow result from the discussion.

You said in one of your letters that you did not give me credit for deference to your opinions in revenue matters. You were, however, mistaken. My deference has been practically proved by my abstaining from all interference, until from circumstances my taking a part in the management of our revenue concerns seemed unavoidable. Though I always doubted the expediency of some parts of your system, I had such an unfeigned deference for your superior knowledge, that I kept down my own apprehensions by a conviction that you were too well informed, too able, to go wrong. And though I was repeatedly forewarned that what has happened would happen, and though such forewarnings agreed with my own secret apprehensions, I always assured both others and myself that it was not possible for such a result to happen

whilst the revenue department was in your hands. I felt that no one but yourself could do what you did successfully; but I was confident that you could and would carry us through. How could deference be more strongly exemplified?

With respect to the present state of the district and its future management, we depend, as before, entirely on you. I do not wish to trouble you with my interference. My great anxiety is, that confidence, and the animated exertion which is the result of a certain prospect of gain, may take place of that discontent, consternation, and despondency, which seem to prevail. No one could do this so well as yourself, if you would see the question in the same light.

I have proposed to you in another letter that I should retain ——* under my separate management.

If this proposal be in the least disagreeable to you, you will of course tell me so without hesitation, in which case I do not mean to press it. But as the arrangement concluded there may not altogether meet with your approbation, it is possible that you may yourself be glad to avoid having anything to do with it, and to leave it in the hands of its contrivers.

* Obscure in MS.

JUDICIAL ADMINISTRATION OF DELHI.

[The following letters, addressed to the Chief Secretary when Metcalfe was Resident at Hyderabad, were called forth by the comments made upon the system he had pursued at Delhi by one of the members of the Board of Commissioners appointed to investigate and administer the civil affairs ofthe North-Western Provinces. Among other charges brought against him by Mr. Ewer, was one to the effect that it had been a rule to punish every attempt to escape from prison by doubling the existing term of his sentence; so that one man, originally sentenced to seven years' imprisonment, having been three times convicted of prison-breaking, was lying in gaol under a sentence extending to fifty-six years. Metcalfe's defence of himself and his system will be found in the two following letters, the latter of which was written at Masulipatam, when in very bad health he was awaiting the arrival of the government yacht, which was to convey him, for the benefit of medical and surgical aid, to Calcutta. The verdict passed by the Governor-General (Lord Hastings) on Metcalfe's general administration of the Delhi territory will be found in a note attached to the second letter.]

TO W. B. BAYLEY, ESQ., CHIEF SECRETARY.

[EXTRACT.]—It is with no inconsiderable concern that I find myself put on my defence with respect to the system under which the territory of Dihlee was governed during my Residency, as I have always flattered myself that it was generally approved, and that its success was undoubted.

I never had the presumption to suppose that it was perfect or free from defect, or incapable of improvement. On the contrary, I always considered it progressive, and open to amendment, as conviction and experience might dictate, and the altered

state of society admit. Accordingly, from time to time, it underwent modifications.

It seemed to me to work well, and when I quitted Dihlee, I was under the impression that it was suited to the character of the people, had their general concurrence, and promoted their happiness.

It now, however, appears to have attracted the unqualified reprobation of one of the members of the present Board of Commissioners at Dihlee, who inveighs against it in unmeasured language.

If it was the absurd and mischievous system which he describes, it is surprising that for more than twelve years, from Mr. Seton's accession to the Residency to my departure, it did not attract notice from the evils which, in that case, it ought to have inflicted.

If that member of the Board had been stationed at Dihlee in the days when that system grew up, he would, I am inclined to think, have spoken of it with less harshness.

When the force at Dihlee was not sufficient to keep in awe the neighbouring villages; when the Resident's authority was openly defied within a few miles of that city; when it was necessary to draw a force from another district, and employ a battalion of infantry with guns, and a squadron of cavalry, to establish the authority of government in the immediate vicinity; when the detachment was kept on the alert by bodies of armed villagers menacing the pickets, and when Sepoys who strayed were cut to pieces; when it was necessary to disarm villages; and when swords were literally turned into ploughshares; when every village was a den of thieves, and the city of Dihlee was parcelled out into shares to the neighbouring villages, of which each copartnership monopolised the plunder of its allotted portion; when a company of infantry was necessary to attend the officer making the revenue settlement, and even that force was threatened with destruction, and taunted with the menace of having its muskets taken as playthings for the villagers' children; when to realise a single rupee of the settle-

ment then concluded, purposely on the lightest terms, it was necessary to employ a battalion of infantry with guns; when to subdue a single unfortified village a force of five battalions, with cavalry and artillery, was decreed necessary, and when the villagers, instead of awaiting the assault, sallied forth against this force, and for an instant staggered the advancing columns by the briskness of their attack,—if that gentleman had been at Dihlee in those days he would probably have been more indulgent towards a system which has brought the Dihlee territory into the state in which it was at the end of 1818. Of a later period I cannot of course speak. We had to combat against crime. The bulk of the population were robbers. We had to subdue a refractory spirit before unused to submit to government. We had to conciliate, and at the same time control, a considerable class of people more accustomed to command than to obey, and ready to wince under the slightest restraint.

If I am entitled to any credit for public services, it must rest chiefly on the successful management of the Dihlee territory during the seven or eight years of my Residency, the most important, the most efficient period of my life. I do not, I acknowledge, like to see that little credit snatched from me by a gentleman who, without experience of the past, hazards a sweeping condemnation on the system of my administration.

If the Commissioners at Dihlee are now able to smile benignantly on what they call innocent forgeries, and to give way to sentiments of commiseration towards convicts—if they consider themselves at liberty to let loose criminals on society without dreading bad consequences—it is perhaps owing to the very system which one of them so strongly condemns and derides that they can venture to do so.

I observe in the minutes of the Board of Commissioners that the object of punishment is asserted to be the reformation of the criminal, and that the release of a criminal who has not become reformed in a certain time is recommended on the ground that there is no use in retaining him in confinement, as he will never reform. What I should consider as the true object

of punishment—namely, the protection of the community—appears to me to be excluded from the view of the Commissioners. If it were a matter of indifference to the community whether plunderers should be kept in confinement or let loose at large, I do not see why they should be confined. If their freedom do not injure society, I cannot understand what right we have to restrain them. For my own part, I confess that the benefit of the community was the sole object of all the punishments that I ever inflicted; which object was to be gained by double means—the actual removal of the individual offender from society by confinement, and the operation of example to deter others from crime. The recollection of punishment may sometimes prevent a repetition of crime, but, in any other point of view, I hold him to be a visionary who expects to produce moral reform by congregating hundreds of hardened villains in a common gaol.

Light punishments for serious crimes appear to me to be exceedingly impolitic and unjust towards the community. With much trouble and difficulty in prosecuting to conviction, the criminal is let loose after a short confinement to prosecute his depredations on society, and revenge himself on those who brought him to justice.

I avow myself of opinion that punishment ought to be severe in order to be efficient; and that the community which suffers from depredation is a much more legitimate object for tenderness than the villain who commits it. I intrude these sentiments on your notice, because they very much actuated my judicial proceedings when I was Resident at Dihlee.

Different crimes called most loudly for suppression at different periods. At one time night-robbery with housebreaking was excessively frequent, and measures of severity became necessary to suppress it. This crime is made light of by the Dihlee Commissioners; but in my opinion there is none against which the community more requires the vigilant protection of a guardian government. The assurance of sleeping in security is one of the greatest blessings that can be conferred on our subjects.

The reverse is unceasing apprehension and misery. I never failed, and never would fail, to punish this class of crime with severity. At another time, the receiving of stolen goods was so prevalent as to attract particular notice, and it became necessary to operate against that evil, and to break up the gangs concerned in it.

At one period the attempts made to break prison were frequent and alarming. The desperate character of the prisoners within the gaol, and the daring courage and activity of their friends without, caused considerable apprehension for the security of the prison. It was obvious that to apprehend and convict criminals could be of no permanent use unless they could be retained in confinement. The guards were alarmed, and not without cause, for attempts were made to destroy them, and in some instances successfully. Along with other measures adopted for the security of the gaol, an order was issued that every prisoner escaping, or convicted of an attempt to escape, should have his period of confinement doubled, and that every prisoner giving evidence leading to a conviction of a conspiracy should have his case favorably considered. The latter part of this arrangement required caution, to prevent being imposed upon by false charges. But where the charge was proved, the informer was released, or had his term of captivity shortened, and the culprit underwent the execution of the former part of the order. When the term of the prisoner's sentence was considerable, the doubling of it makes a greater show than in ordinary cases, and has been much commented upon by one of the members of the Dihlee Board. Yet, the order being in existence, it could not with any fairness be relaxed in favor of the greater criminals; neither could it be sacrificed because some were so hardened as to repeat the offence again and again. Hence, in some instances, the ultimate sentence of confinement extends to a length which must appear surprising where the causes are unknown. It is, however, to be observed, that the power of eventually relaxing the severity of the sentence, when the necessity of upholding the rigid enforcement of the order

might have ceased, remained with the authority which imposed it, or the successor of that authority; and it was one of the advantages of the system pursued at Dihlee, that all errors were open to correction, and that even if injustice were accidentally committed, it was not interminable.

TO. W. B. BAYLEY, ESQ., CHIEF SECRETARY.

SIR,—I have the honor to acknowledge the receipt of your despatch of the 25th September.

I am sensible that I ought to be satisfied with the favorable judgment which the Right Honorable the Governor-General in Council is graciously pleased to entertain of the general character and operation of my administration* at Dihlee; but I cannot expect to find everywhere so much indulgence and consideration. Of this, the censorious remarks of the Western Board, whether suitable or otherwise on the part of those gentlemen, furnish evidence. I must be prepared for a rigid sentence on the particular circumstances adduced, without reference to general merits or qualifying circumstances. I trust, therefore, that I shall be permitted to offer a few additional observations in further explanation of those facts which are deemed objectionable; and that in so doing my conduct will

* The Governor-General had written, in a Judicial Report to the Home Government, "It is impossible for me to close these observations without rendering to the character of Mr. Metcalfe that tribute which it eminently demands. I have had the best opportunities of learning the tenor of his conduct; the uprightness, the patience, the moderation, the kindness which mark all his proceedings towards the natives, are not less distinguished than his talents and indefatigable application. The reverence with which the natives behold the exercise of such qualities has gone far to counterbalance the frowardness of a restless and unattached people. I trust my representation of a conduct so materially conducive to the advantage of the Company cannot fail to recommend Mr. Metcalfe in a particular manner to the consideration of our honorable employers."

be ascribed solely to my anxiety to remove or prevent unfavorable impressions which may be formed.

If one duty be more sacred than another, that of a judicial functionary, distributing punishment to his fellow-creatures, must be regarded as one of the most sacred kind; and I should be sorry, indeed, to believe that I had exercised such a power without due regard to its serious import and consequence.

I have no pretensions to infallibility of judgment, and no security against errors. But in proportion as these were frequent or rare, and outrageous or innocuous, I must have been unfit or fit for the situation which I held. It is a duty, therefore, to myself and to the government which I represented, to endeavour to show that what is blamed is not so blameable as it may seem.

The 3rd paragraph of my letter of the 16th of August has been misapprehended. I did not conceive that I was put on my defence by government with respect to the judicial system of the Dihlee territory.* My expressions referred entirely to the attack made by some of the gentlemen of the Western Board. I was fully aware of the benevolent intentions of government in allowing me the opportunity of explaining the cases specified in your former despatch, and grateful for the consideration therein bestowed.

I am perfectly sensible of the justness of the remarks contained in the 7th paragraph of your last letter, and have deeply to regret that the record of trials in the Dihlee Court was not made more complete. The truth is, that my attention was devoted to the causes almost solely at the time of trial, and that it was only on particular occasions that I took pains as to the record. The reasons of my decisions were explained in open Court; but the record was subsequently such notes as they could take during the delivery of the sentence, and drawn up by the native officers from recollection, and unless I saw special ground for correction it remained as they had prepared it. My anxiety was confined to the doing of justice. I did not think

* See *ante*, page 54.

sufficiently of the necessity of showing in after-times that justice had been done. I did not foresee the kind of scrutiny which my proceedings were destined to undergo. Conscious of the rectitude of my intentions, I did not anticipate that a deficient record might, at some future day, be made the groundwork of an attack on the proceedings of the Court in which I presided. I now see my error. I see, too, that I suffer by it. If the operations of that Court, good, bad, or indifferent—if its effects, beneficial or otherwise—if the justice or injustice committed by it—in short, if its result as to the welfare of the community for whose use it was created—could be fairly compared with that of cotemporary Courts, I trust that on the whole its character would not be depressed below par; but I do not suppose that it can stand the test of a severe scrutiny in search of defects, especially of such as are connected with a want of regularity in forms which did not belong to it, or minuteness of record at which it did not aim. For such deficiencies I can only offer in extenuation the probably insufficient plea that a laborious personal attention to those details would scarcely have been compatible with the discharge of the various duties which I had to perform.

In the 10th paragraph of your despatch, with reference to the punishment awarded to prisoners for escaping, or attempting to escape, from gaol, it is observed, that the question for consideration in the cases specified ought to have been, not as I had represented it, "whether or not a standing rule was to be relinquished in consequence of a prisoner's being so pardoned as to set it at defiance by continually repeating the offence," but "whether the standing order, which had been found ineffectual for the purpose intended by it, and which in its operation had led to an embarrassment and disproportion of punishment probably not foreseen, should be revised and qualified in its application to particular cases."

On this point I beg leave respectfully to submit, that if the standing order had ever appeared to me to be ineffectual, there would have been no question in my mind as to its revision; it would instantly have been repealed; but though it was daringly

violated in some instances, I never doubted its general efficacy. If every law were to be revised because it had in some instances been broken, no law could long be maintained. The question indicated in your despatch as the proper one, appears to me to be one which would naturally arise on a general review of the case, after numerous instances of embarrassment and disproportion of punishment, but not as one which would occur on the trial of individual offenders. On isolated trials, I think the most probable determination would be that which actually took place—a resolution to uphold the law against a hardened sinner.

I am not now defending the rule. It may have been a bad one. It may eventually have proved an inefficacious one. I only mean to represent, that if I had supposed it to be either the one or the other, I should not have instituted it, or should subsequently have abandoned it. I have seen it asserted to be unfair to punish prisoners for attempting to escape. I need not say, for my proceedings will have shown, that I am of a different opinion, and that I think it not only just to oppose every possible barrier to the escape of a criminal, but due to the community for whose protection and welfare he is restrained. It is unnecessary, however, to trouble you with any detailed discussion on this speculative question. Otherwise I might allege, that my opinion is supported by the law of England, which, I believe, condemns to death convicts who return from transportation before the expiration of the term of their sentence. I do not propose to advocate this law; but it may be observed that it is more severe than the rule which was established at Dihlee, and that, like other laws, its occasional violation has not necessarily led to its abolition.

On the inequality of punishment for the same offence, adverted to in the 11th paragraph of your despatch, I would submit that something may be said in its favor. The criminal who is confined for a long period has a greater inducement to attempt escape than the one who is detained for a short time, and therefore requires a greater dread to deter him. No additional period of confinement could be fixed which could be

efficaciously and justly applicable to all. What would be quite inefficacious as a preventative to persons under sentence for a long term, might be cruelly severe as a punishment on those confined for a short one. For instance, additional imprisonment for a year would be no object of fear to a hardened criminal condemned for fourteen; but if a poor wretch, sentenced to a month's detention for some petty offence, were in wantonness to attempt an escape, his supplementary punishment would be twelve times as much as his original sentence.

On the whole, it may, perhaps, be doubted whether there would not be a more real disproportion in the punishment if it were fixed, than if it were proportionate to the original sentence. I beg to be understood, not as contesting the argument with government, but as representing what were my inducements in the course which I pursued.

In the case of Roushun Khan, I trust that I shall have the benefit of the following considerations:—1. That where there exists a discretionary power there is necessarily room for a difference of opinion. 2. That a judicial functionary exercising that power must be guided by his own. 3. That it is impossible at a distant period to bring to view the particular circumstances which may have influenced the judgment at the time of passing sentence. 4. That I must have been satisfied, both of the actual guilt of Roushun Khan, and of the heinousness of his offence, before the sentence was passed.

In the report of the Western Board on my proceedings in that case, Roushun Khan is represented as "convicted on strong presumption;" which I understand to be a translation of a Mahomedan law term, meaning that his guilt was proved to the satisfaction of the Court: for I utterly disclaim having ever been induced to inflict punishment by any strong presumption, with reference to the literal signification of the words, short of satisfactory and convincing proof.

With these preliminary remarks, I shall proceed to state the case of Roushun Khan in the light in which it strikes me. One of the police guards whose duty it was to protect the

people from robbers, took advantage of his night watch to commit a robbery on a person sleeping in the supposed security of his protection. For this crime, proved to the satisfaction of the Court, and considered by the presiding judge as of a most heinous description, he was sentenced to imprisonment and labor for life, in order that the determination of the Court to inflict severe punishment for such offences committed by the servants of government might be made manifest, and that the community might be protected against the depredation of those who were paid at the expense of the people for their protection.

I will not intrude further, except to remark, that I have the honor to concur entirely in the satisfaction expressed in the 13th. paragraph of your despatch at the subsequent release of the prisoner after seven years' confinement. The purposes of his sentence had been accomplished, and mercy might be exercised without injury to the community. It would, perhaps, be beneficial if opportunities were oftener afforded, throughout the world, for the revision, after a time, of sentences, wherein the punishments have been awarded at the discretion of the judge, with a view to prevention by the severity of example; for however proper such sentences may appear to the judge at the time, it must often happen that lenity may afterwards be exercised without injury to the community—and that the original sentence may justly be deemed too severe, when viewed solely with regard to the individual and his actual crime—though the same sentence at the time of passing it may not have been improper; inasmuch as that the individual who wars against the community by his crimes, becomes amenable to the penalty which the welfare of the community may dictate.

Such are the grounds on which I would rest the vindication of my proceedings in the case of Roushun Khan, without presuming to dispute the superior wisdom of the decision expressed by government; and with a perfect sense of the liberality and consideration which have been accorded in the view taken of the several subjects noticed in the despatch to which I am now replying.

GENERAL RESULTS.

[Before closing this series of papers relating to the internal administration of the Delhi Territories, it will be well to give the following summary of the results of Metcalfe's government, written many years afterwards by him in a minute recorded on the proceedings of the Supreme Council.]

It may be as well to mention a few facts as characteristic of the spirit in which the former administration at Dihlee was conducted, and the discretionary power of the superior authority exercised. Capital punishment was generally and almost wholly abstained from, and, I believe, without any bad effect. Corporal punishment was discouraged, and finally abolished. Swords and other implements of intestine warfare, to which the people were prone, were turned into ploughshares, not figuratively alone, but literally also; villages being made to give up their arms, which were returned to them in the shape of implements of agriculture. Suttees were prohibited. The rights of government were better maintained than in other provinces, by not being subjected to the irreversible decisions of its judicial servants, when there were no certain laws for their guidance and control.

The rights of the people were better preserved, by the maintenance of the village constitutions, and by avoiding those pernicious sales of lands for arrears of revenue, which in other provinces have tended so much to destroy the hereditary rights of the mass of the agricultural community. In consequence, there has been no necessity in the Dihlee territory for those extraordinary remedies which have been deemed expedient elsewhere, both to recover the rights of government, and to restore those of the people.

When it comes to be decided whether the Dihlee territory has on the whole been better or worse governed than the provinces under the Regulations, the question, it is to be hoped, will be determined by impartial judges, free from prejudice and passion.

MILITARY DEFENCE OF THE DELHI TERRITORY.

[The following letter, which I find without date, but which seems to have been written between 1814 and 1816, was elicited by inquiries instituted by Lord Hastings relative to the defence of that large tract of country then known as the Delhi Territory, over which Metcalfe had complete political and administrative control. About this time the Delhi Resident bent all the energies of his mind to the consideration of our military position in Upper India, wrote many elaborate papers on the subject, and was one of the Governor-General's most trusted advisers.]

TO JOHN ADAM, ESQ., POLITICAL SECRETARY.

SIR,—I have had the honor of receiving your despatch of the 16th ultimo, respecting the fortifications situated in the territories connected with the Residency of Dihlee.

If in submitting my opinion, in conformity to your instructions, I occasionally refer to considerations which may appear to be more of a military than of a political nature, I trust that I shall be excused, on account of the difficulty of putting military considerations out of view in the discussion of such a subject.

The British posts, which in various degrees come under the head of fortifications, in the territories connected with the Residency of Dihlee, extending from the vicinity of Muttra to the river Sutlej, a space of about three hundred miles in length, and one hundred and fifty at its greatest breadth, are Loodiana, Kurnal, Hansee, and Dihlee.

My opinion on the utility of these shall be submitted separately with regard to each; but, in the first place, I will venture to solicit the indulgence of his Excellency the Governor-General to a few general observations and examples which are equally applicable to all. These I take the liberty of stating as necessary to show the groundwork of the opinions which I have to submit, though I am aware that nothing that I can say will add to the strength of the argument so forcibly and conclusively urged by the highest authority in the extract from Sir George Nugent's reports enclosed in your letter.

The necessity of fortifications in conquered countries in contact with nations of military and predatory habits, who acknowledge no law but that of force, and inhabited by subjects scarcely subdued, partly disaffected, impatient of laws and regulations, used and prone to revolutions, hardy and warlike, appears to be indisputable. Such is the state of the territories connected with Dihlee with regard to neighbours and subjects.

Before we determine to dispense with fortifications entirely, we ought first to be sure that our power will, under all circumstances, be too much respected, that the military character of the Native States is and will remain too despicable, and that our conquered subjects are too unwarlike, or too much attached to our government, to render such precautions necessary. But that such suppositions would be erroneous, numerous events and every day's experience must tend to establish.

It must occasionally happen that countries inhabited by disaffected subjects, eager to throw off the yoke, may be left without troops. In such a case a fortification with a small garrison is sufficient to keep the country, which might otherwise be lost.

It must also occasionally happen that countries left without troops may be exposed to the ravages of predatory foes. In such a case a fortification would preserve our government in the country, though the enemy might overrun the plains; but if we have neither troops nor a fortification, the public autho-

rities must flee before the most contemptible enemy, and districts may be taken from us by cavalry alone.

This was the case in 1803. Five companies of infantry, having no post to retire to, capitulated to a body of irregular cavalry; the civil authorities abandoned their station; and the district fell into the hands of the enemy. The evil was soon repaired, because the Grand Army was at no great distance, and the recollection of the disgrace was obliterated by the splendid victories which followed in that campaign; but the evil and the disgrace would not have occurred had there been any fortified post for the small body of troops and the public authorities of the district to retire to.

In 1804 and 1805, when our provinces were invaded by larger armies of cavalry, in all the districts overrun the civil authorities kept their posts, having the protection of fortifications. In Aleegurh there was a government fortress and garrison. In Suharunpoor the civil authority took possession of one of the native forts, with which at that time the country abounded. Fortified houses gave confidence at Moradabad and Mynpooree, and a fortified gaol at Barelly.

The experience of the past and the possibilities of the future would point out the expediency of having a small fortified post in every district, to which the local government might retire with confidence in the event of predatory invasion, there not being troops enough in the district to keep the field.

Against such invasions in parts in time of war no army that our present resources will maintain can effectually secure us. With such posts in every district, which need neither be on a large scale nor expensive, though the country might be overrun for a time, the local government would remain, and we should be saved from the disgrace and injury of the temporary loss of a portion of our territories.

Of the advantage which we have derived from fortifications in our military operations, several instances might be adduced. After the retreat of Monson's detachment in 1804, we should certainly have lost the right bank of the Jumna had we not

possessed the fortress of Agra, and the walls, weak as they were, of Dihlee.

The troops to the southward of Dihlee collected under the walls of Agra. They there awaited the arrival of Lord Lake with his army, and had time to recover from the sensation which Holkar's successes over Monson's detachment had occasioned, and which would probably have operated to a ruinous extent had not the fortress of Agra served as a rallying-point to our retreating and advancing troops. The exhausted remains of Monson's detachment would nowhere have found refuge if we had not possessed the fort of Agra. It is impossible to say how much we were indebted to that fortress at that period.

Nevertheless, the upper part of the right bank of the Jumna would have been lost to us if there had not been walls to the town of Dihlee. These enabled General Ochterlony and the late General Burn to make that memorable defence which led to the destruction of the enemy's army—a defence which could not have been thought of had not the ruined walls of Dihlee offered a foundation for hope.

The value of fortifications in Europe is limited. They are not impregnable, and when an army cannot keep the field, fortresses generally fall; but in this country, that is, in the present comparative state of the military skill of the British and the native powers, fortifications are to us of incalculable value. They are deemed impregnable in our hands, and enable us, at a trifling expense, to keep a country without an army. Though a native power might obtain a temporary advantage over us in the field, the natives of India must make some further advances towards equality before they could attempt, with any hope of success, to wrest a strong fortress out of our hands, if defended on our part with the show of determination.

The fort of Rampoora was taken from Holkar in one day by a single battalion under Colonel Don. This fort, by the retreat of Monson's detachment, was left exposed, and remote from any support. Holkar, however, though victorious over our detachment in the field, made no attempt with his enor-

mous force to take Rampoora. This fort, and the country around it, remained in our possession throughout the war, though in the rear of the enemy's army, and far removed, during the most dangerous period, from the co-operation of any of our detachments. The garrison not only kept possession of the fort, but established our government in the country, and even undertook several successful expeditions. The fortifications of Rampoora were of the greatest utility during the war, and were the sole cause of our being able to keep a valuable part of the enemy's country, which otherwise must have fallen into his hands immediately on the return of Monson's detachment.

Hoping that the preceding observations respecting the general utility and necessity of fortifications in this part of India will meet with indulgence, I proceed to submit a few remarks with reference to the particular posts which are situated in the territories under the superintendence of this Presidency. These, in their present state, consist of an old ruinous brick and mud fort at Loodiana, some mud works at Kurnal, a serviceable fort at Hansee, and the ruinous stone walls, with mud repairs, of the town of Dihlee.

Loodiana is the most exposed, being situated immediately on the boundary of one of the most powerful States of India. Numerous advantages attend our possessing a fort at Loodiana, some of which have been lately evinced. It renders the troops of the cantonment of Loodiana available for purposes different from those for which they were originally stationed there. Accordingly we find that, for the late campaign against the Goorkhas in the hills, the infantry were withdrawn from Loodiana, with the exception of a small garrison for the fort, without any apprehension existing in consequence for the safety of the post—the possession of the fort being sufficient for its security in any event—whereas, without a fort, a small detachment at Loodiana would be entirely in the power of Runjeet Singh, that post being nine marches distant from any support, within four marches of his capital, and within five

miles of one of his fortified posts and principal stations. The fort of Loodiana has, in other respects, also been of great service during the late campaign. It was the depôt for guns, stores, and treasure for General Ochterlony's army. It was the place to which he sent his Goorkha prisoners, and from which he drew his supplies.

In any war with Runjeet Singh, in the event of offensive operations on our part, the fort of Loodiana would be invaluable as a depôt, at which we could make all our preparations with confidence, within a few marches of the enemy's capital. In the event of such a state of affairs as might render it necessary to act on the defensive against Runjeet Singh, the fort of Loodiana would occasion him much embarrassment: he would neither like to attack it nor leave it in his rear. If he should attempt to take it he would probably fail, and the failure might be decisively fatal to his views against us. If he should leave it in his rear, the garrison might cause him great annoyance in proportion to its strength; it might even menace his territories, and would, at all events, preserve the appearance of our government in the country.

Independently of any speculation on a future war with Runjeet Singh, the possession of a fort in the Sikh territory, on this side the Sutlej, is desirable, and perhaps necessary, for the preservation of our supremacy over the country bordering on that river, under various circumstances which may be conceived.

If it should be deemed expedient, for instance, to withdraw the great body of the troops at Loodiana to a station at which they would be more available for general purposes, the continuance of a fortified fort would show that we were not withdrawing from the superintendence which we exercise over that country; for which purpose, considering the character of the inhabitants, some ostensible post seems to be necessary, and a small post, to be respectable, should be fortified.

Although the Sikh chiefs generally on this side of the Sutlej experience great advantage from having our protection

against Runjeet Singh, it is not the less necessary to keep them in awe; for, having to render justice among them, and in many instances to enforce the restitution of unjust seizures, we necessarily offend those whom we check, and render them disaffected. The appearance, therefore, of our power amongst them, either in the shape of a large cantonment or a fortified post, is, perhaps, indispensable.

Moreover, the continuance of a post at Loodiana is requisite to prevent the gradual, and perhaps imperceptible, encroachments of the dependants of Runjeet Singh on this side of the Sutlej upon our dependants. The former would gain confidence by the removal of our post, and the latter would lose it. The former might become presumptuous, and the latter might, from fear, court the protection of Runjeet Singh.

The fortified post at Kurnal, trifling and inefficient as it would appear in Europe, is also of great value. It protects a magazine and depôt, from which those at Loodiana may at any time be replenished. It afforded great assistance to General Ochterlony during the late campaign, whose operations in a great measure depended on the supplies which he received from the magazine at Kurnal, in addition to those which he drew from Loodiana. The post at Kurnal defends the boundary of our territories in that quarter. It operates on the Sikhs towards the Jumna, as the post of Loodiana does on those towards the Sutlej. With a fortification at Kurnal the troops may be withdrawn from that station, and still the fortification will suffice to overawe our predatory neighbours in that quarter, and the disaffected of our own country, and to preserve the communication between Dihlee and Loodiana, and between the latter place and Meerut.

As Kurnal is a considerable station, and as buildings are going on there which show that it is to be one of the largest stations in the army, the existence of a fortified post there is of great advantage with reference to that circumstance, as affording protection to valuable public buildings, and to the families, European and native, of officers and soldiers, as well as to shop-

keepers and other inhabitants of the cantonment who may not accompany the troops when they march on service. The confidence and security afforded by a fortified post induce all those inhabitants to remain without alarm under the protection of a very small guard. Without the fortification a remote cantonment would probably be abandoned by the feeble part of the inhabitants after the fighting men quit it. The convenience which the security conferred by a fortification is attended with to the inhabitants of a cantonment is in itself of considerable consequence, but another advantage concomitant with this is of greater importance, namely, the prevention of the alarm and agitation which the abandonment of an established cantonment, on account of the march of the troops, would occasion in the neighbouring country.

If there were a small fortified post at every great military station it would be of the greatest service, for in time of war great cantonments, if unprotected, invite attack. The destruction of a principal British cantonment would operate on the public in the same manner as the destruction of a capital city, and ought to be guarded against. A large army cannot be spared for this purpose. Next to that, a fortified post would afford the best protection.

The fort of Hansee has some advantages, in common with the fortified post of Kurnal, and others like Kurnal, peculiarly its own. It is our frontier post towards the Bhuttees, the Shekhawatees, the people of Bickaneer, and other petty States, all of a warlike character and addicted to predatory habits, and requiring an appearance on that distant frontier to keep them in awe.

The experience of the last campaign has shown to a demonstration what was before sufficiently evident to reason, that we cannot expect in time of war to keep a field force over every part of our frontier, and next to a field force, a fortification, which can be garrisoned by a small number of men, is the best protection for a country. It gives confidence to our adherents, and overawes the disaffected. Hurreeana, in particular, requires

a post of this nature, both from its exposed situation and from the character of its inhabitants.

When the Bhuttees took Futteabad from us in 1804-5, Hansee checked their further progress; and when we attacked the Bhuttees, in 1810, Hansee was our depôt, and the point from which our army marched on that successful expedition.

These circumstances are sufficient to evince the utility of Hansee. Its importance on a grand scale, with a view to possible events, in consequence of its position, has been clearly shown in Sir George Nugent's convincing report. Its great local advantage, under existing circumstances, I conceive to be, that it would enable us to retain the country of Hurreeana against foreign incursion and internal insurrection, though all troops, except its garrison, be withdrawn. The fort of Hansee is also to the station of Hansee what the post at Kurnal is to the station of Kurnal.

With reference to the advantages which the stations of Loodiana, Kurnal, and Hansee derive from the possession of fortified posts, I cannot refrain from expressing my regret that there is not one also at Rewaree. That station, when the troops are withdrawn, is much exposed, and remote from support. A fortified post would be very valuable for the purposes already mentioned. Gokulgurh, a neighbouring native fort, has occasionally been occupied when there has appeared to be a necessity for precaution; but occasional precautions of this nature are injurious, because they indicate and excite alarm. The permanent occupation of a fortified post would tend to confer both real and imaginary security in times of danger, and could never excite alarm. The efficiency which it would confer on the troops at the station, by rendering them disposable without hazard, is another point worthy of consideration. Gokulgurh, the place above mentioned, is, perhaps, too far distant from the cantonment of Rewaree to answer for all the purposes for which posts are useful.

I now proceed to submit a few observations respecting the fortification of Dihlee. On the expediency of keeping Dihlee in a

defensible state I do not propose to trouble you with any remark. That subject has been fully discussed in Sir George Nugent's report, wherein the policy, expediency, and necessity of preserving some sort of fortification seems to be most satisfactorily and conclusively shown. It seems that there have been differences of sentiment regarding various plans which have been proposed for the fortification of Dihlee. It appears to be generally admitted, that to fortify Dihlee in a systematic and perfect way, would occasion a greater expenditure than the resources of government can with convenience supply for this purpose, and the real question seems to be whether the present fortification shall be repaired and improved, or all idea of making the place defensible be abandoned, and the wall be allowed to fall to total ruin. I hope that the former proposition will meet with favorable attention, as I think that the alternative is on every account greatly to be deprecated.

In venturing to submit my opinion on such a subject, I trust that my intention will meet with indulgence, though my presumption be blameable. The old stone wall might be repaired with stone and masonry, and would form a very respectable defence for Dihlee against our native enemies. If I may be permitted to judge, the repairs of the old wall with stone work is preferable by far to the patching with mud work, which has been adopted, I suppose, on grounds of economy. The stone work has infinitely a more respectable appearance, and gives a better idea of strength. The mud work being patched on the old stone wall, has not that thickness which is requisite to confer on mud work the degree of solidity and durability of which it is capable. Moreover, the mud works being sloping, and not higher, are more accessible than the stone wall, and are frequently made use of, as a more convenient way of going in and out of the town than by the gates. The stone wall would be a secure protection against cavalry. It would be perfectly defensible against escalade. It would not, it is true, stand much battering, but it would stand as much as the present mixture of mud and stone. At the worst, there are abundance of masons in

Dihlee, and if a breach were made it would be cut off in one night by running up an inner wall. This is not mere conjecture, for the thing was done during the last siege in the manner described. The expense of repairing the stone wall could be ascertained by calculation. The late ever-to-be-lamented Lieutenant Lawtie submitted, I believe, an estimate to the Presidency. It would, I imagine, in the end, be found cheaper to repair the stone wall with its original materials than to patch it with mud. Stones, it should be mentioned, ready cut, are procurable without expense in some places close to, and generally not far from, the walls. If the monthly allowance of 500 rupees, which is at present granted for mud repairs, were applied without remission to the gradual and thorough repair of the stone wall, I am of opinion that it would be more economically, as well as more usefully, laid out than it hitherto has been in mud works, which constantly require renewing, whereas the stone wall, once thoroughly repaired, would be very durable, and would not need much repair afterwards. The fortification might be improved by a ditch, which could be dug without expense by the prisoners or the convicts from the gaol. The late incomparable Lieutenant Lawtie had also another plan for the improvement of the present fortification, which I will not do injustice to by attempting to describe. He submitted it, I conclude, to the authorities at the Presidency. As far as I could judge of such a plan, it seemed to unite the greatest economy with the utmost practicable improvement short of an entirely new and scientific fortification. Lieutenant Lawtie was as zealous and disinterested in the ordinary duties of his office at Dihlee, as he afterwards proved himself to be ardent, indefatigable, heroic, and devoted in the arduous labors of the field.

If the stone wall of Dihlee be repaired and maintained in a defensible state; if the fortifications of Loodiana, Kurnal, and Hansee be retained; and if a fortified post be occupied at Rewaree, the stations connected with Dihlee may, in times of emergency, supposing them to remain in their present strength, furnish eight battalions of infantry, two regiments of cavalry,

and the greater part of Skinner's horse, for field service, leaving two battalions of infantry and the provincial corps of Nujeebs for the garrison at Dihlee, and a party of horse to check predatory incursions, or keep order and tranquillity in our districts. This supposes that the fortifications of Loodiana, Kurnal, Hansee, and Rewaree may be occupied by provincials or Nujeebs, or veterans or recruits, or whatever may be thought most expedient at the time. Without fortified posts in this extensive country, it would be dangerous, if not impracticable, to withdraw all the troops for field service.

This consideration is in itself a great recommendation, but it is not the only one, of these fortified posts and works. How, it may be asked, would the late campaign have been carried on, had we not possessed the fortifications and magazines of Loodiana, Kurnal, Suharunpoor, and Dihlee?—had there not been any magazine higher than Agra, as was the case before 1809? Where would General Ochterlony have drawn his guns and stores from? Where would he have sent his prisoners? To what quarter would he have applied to replenish his wants? Where would Colonel Mawbey have sent his requisition for a battering train when one was found to be necessary at Kalinjur? Where would the field hospital of General Martindale's army have remained in security?

The only objection to fortifications, I believe, is their expense. I do not know what expense the fortifications mentioned may have occasioned, but the services which they have rendered in this single campaign must have more than compensated for any expense which they may have caused.

Of the great utility of fortifications there seems to be abundant proof. That they cannot be, or ought not to be, insupportably expensive, is shown by the number of fortifications possessed by petty Native States. The State of Alwar boasts, I think, of having fifty-two forts. I do not mean to vouch for the accuracy of this number, but the number of forts possessed by that petty State is notoriously and without doubt very great. The petty State of Bhurtpore, in a small country, and

with very limited resources, maintains four forts of the first magnitude and celebrity, besides others of inferior note, and is continually increasing the number of its fortifications.

If these petty States, with their limited resources, can maintain numerous fortifications, the expense of their maintenance must be within moderate limits also. And can it be said that the few fortifications at present maintained by the Honorable Company are too numerous for the extent of their dominions, and too expensive with reference to their resources? It will rather be found, I conceive, that the expenses of our government on account of fortifications are trifling, and out of proportion compared with the magnitude of our territories, resources, and general expenses, and that of all the branches of our expenditure this is the one which, more than any other, falls short, in the expense incurred, of the importance and utility of the object in view. I fear, however, that I have already exceeded the bounds within which I ought to have confined myself.

ON THE BOMBARDMENT OF FORTIFIED PLACES.

[Transmitted to Lord Moira in November, 1814.]

[The disastrous commencement of the Nepaul war, and especially the failure at Kalunga, where General Gillespie was killed at the head of his men in an attempt to carry the fortress by a *coup de main*, induced Metcalfe to draw up the following paper for the perusal of Lord Hastings. He was of opinion that the English in India had been rendered over-confident by past successes, and that it was desirable, above all things, that the Government should never close its eyes to the dangers of our position. He often, at this time as at a subsequent period, commented upon these dangers, and, as will be seen hereafter, insisted upon the necessity of maintaining, as the only preventive, an efficient military force.]

Our unfortunate failure at the formerly despised fort of Kalunga, *alias* Nalapanee, in the Valley of Deyra, rendered more remarkable than preceding failures by the death of the heroic General Gillespie, is one of a series of events which, although they have taken place at long intervals, are all of the same character, and have all sprung from the same causes —causes which demand the serious attention of government to a subject vitally important to our interests in India.

Every successive failure of this description is more disastrous, on account of its influence on the stability of our power, than on account either of the lamentable fall of brave men or the temporary derangement of the plans of government, much as both these effects are to be deplored.

The present opportunity is taken for attempting to bring this subject to notice, in the hope that the recollection of the circumstances of our recent disaster may procure some attention to opinions, which cannot derive any weight from their owner, which would probably be disregarded in a time of peace, and might appear ridiculous in a career of uninterrupted victory.

These opinions were first excited by personal observation in the field, and have been strengthened by attention to subsequent events.

Our empire in India has arisen from the superiority of our military prowess. Its stability rests entirely on the same foundation. Let this foundation be removed, and the fabric must fall to the ground. Let this foundation be in the least shaken, and the fabric must totter. Whatever delusions may prevail in England respecting the security to be derived from the affections of our Indian subjects, and a character for moderation and forbearance with foreign Native States, it will probably be admitted in India that our power depends solely on our military superiority.

Yet there is reason to apprehend that our comparative superiority is in some measure diminished, in consequence of a general increase of discipline, experience, skill, and confidence on the part of the military of India.

The failures at Nalapanee, Kalunga, Kalinjur, Kumona, and Bhurtpore, are events which particularly call for attention, and may be considered more important, from forming almost a system of failure, than from any of the unfortunate losses or immediate evils attending each siege. Let them prove a warning for the future, and good may arise out of evil.

At Bhurtpore, four assaults and the greatest exertions of the united armies of Bengal and Bombay were ineffectual against a straggling and extensive walled town, situated on a plain, with a dry ditch, which the activity of the enemy converted into a wet one before the breach, and defended by men whom we used to call a rabble.

Our failure on that occasion may be attributed partly to the

difficulties which opposed the attack, and partly to the firmness and activity of the defence, and partly to the presence of a large enemy's army under the walls which embarrassed our operations, and partly to the want of confidence on the part of our troops after the first check.

But certain reasons were assigned for our failure at Bhurtpore, having reference solely to the mode of attack, and it was understood at the next siege—that of Kumona—that these supposed faults would be avoided by a more scientific course of proceeding.

Accordingly, at Kumona, we made our approaches regularly, but the result was failure. We were defeated in the assault, and were indebted to the courtesy of a rebel Zumeendar for permission to bring away our dead. The fort was subsequently evacuated for obvious reasons, but our failure in the storm was complete, and our loss, as must be the case in all failures, severe.

Kumona was a petty fort on a plain, with a dry ditch, held in contempt before we attacked it, and not much thought of since it came into our possession. There was a garden attached to it which was converted into an outwork, and occupied by the enemy. We attempted to take the garden, but failed there also.

The next remarkable attempt to storm was at Kalinjur. This was a hill fort without a ditch, consequently of a different description from Bhurtpore and Kumona. Here also we failed completely in the assault, though we afterwards obtained possession of the place by negotiation. Kalunga, or Nalapanee, seems also to be a hill fort without a ditch. It is at present undecided whether our failure at this place is most to be attributed to the insurmountable nature of the obstacles, or the determined resistance of the enemy. It probably may justly be attributed to the united effects of both causes. And as it is evident, from some circumstances, that but for the determined resistance of the enemy the place might have been carried, so it may be hoped that all their resistance would have proved

ineffectual, had not the other obstacles been difficult to surmount.

The failures at Säsnee, &c., have not been alluded to, because these took place before the Mahratta war, and the recollection of them was swept away by the glorious victories of that brilliant and fortunate period. The commencement of our systematic failures may be dated from the unfortunate siege of Bhurtpore, where a great portion of our military fame was buried.

It is true that since that period some successful assaults have taken place, but they cannot be put in competition with the failures alluded to.

Three instances of success at present occur to recollection: one under Colonel Hawkins, in Bundelkund, in 1806; the capture of Bhowanee by Colonel Ball; and Colonel Adams's exploit last season.

On the first, a part of his Majesty's 17th headed the storming party; and the affair was conceived with decision, and achieved in gallant style; but the defence was, I believe, insignificant, compared with the defence in the instances of failure alluded to.

The affair at Bhowanee was a brilliant one, and an important one for our reputation, for the people of Bhowanee were thought invincible; but in reality Bhowanee was only a large village without guns; and, in fact, the affair was a battle on the plain, for the people, not trusting to their weak defences, or despising defensive warfare, sallied forth to meet us.

Colonel Adams's assault appears to have been a very able and gallant operation, but the difficulties which were encountered did not, it is imagined, equal those which we met with in the instances of failure before mentioned.

In each of the instances of failure described, the European troops—that part of our army on the character of which our power in great measure depends—were employed and defeated.

In each of these instances different reasons have been assigned for our defeat. Some have attributed it to the insurmountable nature of the obstacles; others have affirmed that the troops

yielded to alarm on the first check, and would not advance, though the obstacles were not insurmountable.

The failure in each instance has excited notice for a time; but the impression occasioned by it in the minds of the British community has gradually worn out. No measures have been taken sufficient to provide a remedy for the evil, the real cause of which has been overlooked, and we have proceeded to fresh attacks with the same chances of failure as before.

The real cause of our repeated failure seems to be, that our opponents now are better able to defend themselves against us than our opponents were formerly; consequently, that we have not the same superiority on these occasions that we formerly possessed, nor have our troops the same confidence.

The sight of a white face or a red coat is not sufficient now, on all occasions, as it once was, to make our adversaries flee in dismay, and abandon defences in which they have well-grounded confidence.

Either the gradual and imperceptible circulation of knowlege has given them a better mode of defence and greater resources; or the charm which ensured us success is dissolved; or from some other change of circumstances we are less invincible than we were; for certain it is, that there have been occasions on which the backwardness of our troops has been complained of, and whatever may have been the immediate cause of their defeat, they have repeatedly turned their backs on the walls of foes who, in theory, would be considered contemptible, and who to this day are compared by some writers in England to a flock of sheep.

This is a subject which cannot be taken too much into deep consideration. On our military superiority our power entirely depends. That superiority is lessened by every defeat.

The evil has gone to such a length already, that, on sitting down to a siege, a repulse may be judged not improbable, in the event of an assault, according to the usual mode of proceeding.

It is true that our superiority in the field has not yet been

called in question by any untoward event, and as long as we retain our superiority in the field, our power may be considered secure; but repeated failures of any kind must accustom our troops to defeat; must diminish their confidence in themselves; must increase their respect for their enemies; and must lay the foundation for great reverses of fortune.

Often has the fate of India depended on a single army; often again may the fate of a great part of India depend on a single army; and if ever, by any combination of unfortunate accidents, such scenes should be exhibited in an army in the field, having the fate of our empire in great measure attached to it, as have occurred more than once in storming parties, and even in considerable detachments, our power might receive a blow from which its recovery would be questionable.

The object of this paper is not, however, to anticipate future disasters, but to bring to notice the real causes of past misfortunes, in order that remedies may be provided against them in future, and that the dangerous consequences to which a continuation of defeats would lead may be prevented.

These causes, namely, the increase of confidence in our opponents, and the diminution of it in our own troops, seem to have been entirely disregarded.

If we pay sufficient attention to these points, the remedies may doubtless be applied which will prevent many future failures. But if, as heretofore, we disregard the important consideration alluded to, we shall proceed to future assaults as to former ones, without better precautions or resources, and the consequences will be frequently the same, tending ultimately to the most serious evils.

It is desirable, in the first instance, that the favorable reports received beforehand relative to the weakness of an enemy's fortresses, and the inefficiency of his troops, should be listened to with caution.

Men of sanguine dispositions give favorable reports, and anticipate unqualified victory—without reflecting on the possi-

bility of difficulties and the chances of failure—because it is in their nature to do so.

Other men, not sanguine, are generally very loth to express an unfavorable opinion. There is always the chance of success. Encouraging intelligence is always the most agreeable; and men do not like to subject themselves to the reproach of being alarmists.

We are apt to despise our opponents, till from defeat we acquire an opposite sensation.

Before we come to the contest, their powers of resistance are ridiculed. Their forts are said to be contemptible, and their arms are described to be useless; yet we find, on the trial, that with these useless weapons, in their contemptible forts, they can deal about death amongst their assailants, and stand to their defences, notwithstanding the skill and bravery of our army. If we were not misled beforehand by a flattering persuasion of the facility of conquest, we should take greater pains to ensure it.

It is very desirable that, in general, our troops should not be carried up to the assault where the obstacles, natural or artificial, of the fortification, such as may not have been cleared away during the siege, may be rendered utterly or nearly insurmountable by a resolute defence on the part of the garrison.

Heroism, with the aid of good fortune, may sometimes accomplish wonders; but it is dangerous to trust too much to heroism or good fortune. Fortune is fickle, and soldiers are men in whom the love of life, or the awe of peril, must at times prevail, however subdued in general by valor or discipline.

A single accident may frequently determine a contest, and give victory to us or our enemy.

If the first effort of valor prevail not, it is rare that a repetition of attacks proves successful. Ardor and enthusiasm are necessary to enable troops to go through a difficult attack. These are checked by the first serious repulse. The troops, persevering in the same attack, are afterwards, under the influence of a sensation which destroys their energies and pre-

vents any animated exertion—to which is not uncommonly added a sense of shame, which prevents flight—and under the operation of these different feelings they sometimes stand to be shot at, to no good purpose, or roll about here and there in masses of confusion, their officers urging them on, but an uncontrollable sensation keeping them back.

It is therefore desirable that greater attention should be shown, than heretofore in general, to the necessity of providing a road for an assault as free as possible from all obstacles, except those which may arise from the bravery of the enemy.

Our troops, though, after the repeated defeats that we have met with, they cannot feel that unlimited confidence which was alike the cause and the result of their former invincibility, have still the idea that they have only to get at the enemy in order to show their wonted superiority.

It is dangerous not to give them an easy road to meet the enemy. If, due attention being given to this important point, our troops nevertheless fail, it will be no good to shut our eyes to the conclusion that our enemies in India are often as brave as men can be,—at least in defensive positions.

In order to effect the object proposed, armies should not advance to the attack of forts without ample means of destroying them.

It is desirable that a large battering train, with every equipment for a siege on a large scale, should accompany every army that may have to attack forts.

This may appear to be an unnecessary caution, as it will probably be supposed that the measure suggested must be obviously adopted on all occasions; but, in fact, it frequently happens that our equipments in this respect are very deficient, and by no means adequate to secure the object in view.

We have on our side the science of Europe, and we ought to bring it into play. Economy in this department is ruinous. We ought to be lavish of the contents of our arsenals, and saving of the lives of our men. We ought to make defence impracticable and hopeless. We ought to overpower resist-

ance by the vastness of our means. Though such measures were not necessary formerly, they have become so by a change of circumstances. Our former wonderful success arose from causes which have ceased to exist, or do not prevail in the same degree. We ought to substitute—and we have it in our power to substitute—other sources of victory sufficiently potent, though of a different nature.

There is a branch of equipment in sieges which might be made more use of than it is at present, to the great annoyance of the enemy, and frequently to his total expulsion. A great number of mortars and an abundant supply of shells should be attached to every besieging army.

There are many situations in which, from the natural difficulties of the position, an assault cannot take place without considerable hazard of failure. In such cases, an incessant shower of shells, day and night, might make the place too warm for the garrison, and obviate the necessity of a storm.

There are other occasions in which it may be desirable to avoid the delay of all the operations of a siege; and on such occasions bombarding day and night might accomplish the object in a short time.

There are some situations for which this mode of operation is peculiarly suitable; for instance, the small hill forts of the Goorkhas appear to be of this description, and had Kalunga been bombarded day and night for as many days as we were before it prior to our attempt to storm, it is probable that we should not now have to lament our disastrous failure at that place, and the loss of our gallant general and his brave companions in death.

On all occasions shells will prove valuable auxiliaries, from the great annoyance which they inflict on the enemy; and even in the event of failure in an assault, they would be of the greatest importance, by keeping up the agitation and alarm of the enemy, and preventing his acquiring confidence, or indulging in triumph after his success.

Had there been a sufficiency of mortars and shells to play

upon Kalunga day and night, even after the unfortunate attempt to storm, it is possible that the enemy might have been compelled to surrender or evacuate the fort, notwithstanding the confidence which he may have derived from his successful defence.

Decided effects have occasionally been accomplished by shelling;—

The defenders of Kumona, after evacuating that place, retired to Gunowree, with the apparent intention of defending it. Had we laid siege to Gunowree as we laid siege to Kumona, we might have had a repetition of the delay and disaster which occurred at the latter place. But Gunowree was shelled day and night, and the garrison was driven out, I believe, in two days.

A similar circumstance occurred afterwards at a fort not far from Agra. The engineer made his approaches, and there was the appearance of a long and doubtful siege; but in the mean time it was judged proper to annoy the enemy with shells, and the place was evacuated before the breaching batteries were formed.

Incessant shelling annoys the enemy within the fort, tries his courage and patience throughout the siege, and, operating on a number in a confined space, its effect must be severe in causing him a great loss.

By the ordinary mode of attack the enemy is not much annoyed during the siege, and if he has courage to stand the assault firmly, he has every chance of success from the advantages of his situation.

On some occasions it may be wise, for the speedy accomplishment of a great object, to risk a hazardous assault. The capture of Aleegurh by a *coup de main*, being the first operation of the Mahratta war in this quarter, had a decided influence on the subsequent events of that campaign. In like manner, the capture of Kalunga would have had a most beneficial effect on the subsequent operations of the Goorkha war. But we had not the same good fortune.

Even, however, when an attempt at a *coup de main* fail, if our army have the means of carrying on vigorous operations, the sensation occasioned by the failure will quickly subside. But an army after such a failure, without the means of annoying the enemy, is in a most melancholy predicament. A person must have been in an army on such an occasion to judge properly of its feelings.

The individual who has ventured to put these thoughts to paper has not the presumption to suppose that he can suggest the best plan for conducting sieges with effect. All that he aims at is to lead wiser heads than his own to the consideration of the true causes of the disasters that have too frequently occurred, and the best remedies to be applied.

If there be any foundation for the reasons which have been assigned for these disasters, namely, the existence of increased knowledge, skill, and confidence on the part of our enemies in general, and the diminution of our comparative superiority in warfare, it must be admitted that the subject demands the most serious attention.

It demands attention even beyond the actual subject-matter of this paper, for if it be true that the military discipline, skill, and confidence of our enemies is in any way on the increase, we ought to turn our attention to the state of our army altogether, and inquire whether it is sufficient for the purpose of securing our interests in India; we ought, further, to examine the principles of the policy prescribed by the authorities in England, and ascertain whether, with reference to the state of things supposed, it is a policy the best calculated for our safety.

The writer of these remarks has his mind often occupied by these subjects, but fearful that he has already been guilty of presumption, he is not bold enough to venture at present on such a wide field of discussion.

He does not, however, shrink from briefly stating his opinions on these subjects to be, that an increase of our army is highly expedient, and perhaps absolutely necessary, for our

existence in India; and that we ought to govern our policy by different considerations from those which regulate the orders of the government at home.

Our power in India rests on our military superiority. It has no foundation in the affections of our subjects. It cannot derive support from the good-will or good faith of our neighbours. It can only be upheld by our military prowess; and that policy is best suited to our situation in India which tends in the greatest degree to increase our military power by all means consistent with justice.

ADMINISTRATION OF HYDERABAD.

[*August* 14, 1826.]

TO GEORGE SWINTON, ESQ., CHIEF SECRETARY.

SIR,— . . . . In the 41st paragraph of the political letter to Bengal, 21st of January, 1824, I am blamed for the employment of European officers in the Nizam's affairs, after stating my objections to "the appointment of European managers in the several districts."

It seems that in attaching this blame to me there has been an oversight of the wide difference between the appointment of European managers in the districts, and the employment of European officers in the Nizam's affairs. The former measure was never adopted by me, and the latter was in full play before my administration at Hyderabad.

I extended the employment of European officers, but was not the first to introduce it; and in several respects I limited their functions, and prohibited the exercise of indefinite authority which they had before possessed.

Under the arrangements which I introduced, the Resident was the channel of conveying to European officers employed in the Nizam's service the orders of the Nizam's Government received from the Minister; and the mode in which our interference was exercised was invariably by the advice and influence of the Resident with the Minister.

The communications which the European officers employed had necessarily to carry on with the native authorities in the several districts, went through native agents, selected and appointed exclusively by the Nizam's Minister.

Nothing can be more erroneous, and to me, from local knowledge, nothing can be more preposterous, than the ascribing of our interference in the Nizam's affairs to me as its author.

Our interference in every department was ordered by the Governor-General in Council. It was exercised by my predecessor, according to his discretion, in the way which he deemed most expedient. The European officers employed under him issued orders by their own authority. This practice ceased under my arrangements, and every matter was submitted for the orders of the Nizam's Government. When I first arrived at Aurungabad, the court of justice established by my predecessor used to hold its sittings at the house of the British agent at that station, and he presided at the trials. This practice was discontinued by my orders; and in fact, whatever notions may have prevailed to the contrary, it was my continual study to uphold the authority of the Nizam's Government, and to prevent the exercise of undue power by European officers.

But in order effectually to check oppression, which was the sole legitimate object of our interference, it was necessary to forward complaints of extortion in the revenue department, and to ascertain how the affairs of that department were conducted. It was also necessary, for the safety of the government from ruin, to look into the finances.

Ostensibly, my predecessor had attended to both subjects, but the Minister had succeeded in rendering his measures nugatory. The Minister, no doubt, intended the same by mine, for his assent to them, in the first instance, was ready and cheerful, and they were as much his own measures as any can be which are adopted by the advice and influence of another. But when those measures proved effectual in really checking extortion, they touched him on the tenderest point; and he became a willing tool for the intrigues of Messrs. W. Palmer and Co.,

who dreaded the effect on their interests of the measures which I proposed in the financial department.

Hence alone the clamor raised by a party respecting my interference in the Nizam's country. Hence I am falsely described as the author of our interference, when I was only the faithful and moderate executor of the orders of my own government.

My despatch from Hyderabad of the 2nd of February, 1821, is the first which develops my views respecting the affairs of the Nizam's country.

Therein I announce my intentions in the following terms:— "Every branch of administration will in time require investigation; but those points to which I propose immediately to turn my attention, are, first, the reduction of the expenditure of the government within its income; and, secondly, a general settlement of the land revenue for a term of years, in the mode of village settlements, including arrangement with the heads of villages for the introduction of a system of police."

This is not, I think, the language of a person who doubted the intentions of his government as to the extent of his interference.

The rest of the despatch is in the same tone. It goes on to say, after remarks on the probable effect of these measures, "I can hardly reckon on the zealous support of the Minister in either scheme, but I do not despair of his acquiescence; and if he will acquiesce, I am ready to take on myself the labor and odium of the task."

This announcement is plain enough. It contains the essence of our interference in the Nizam's country. We were to obtain the Minister's consent to measures for the public good, which it was known that his personal interests and disposition would not allow him cordially to relish. We were to reform his administration of the country through him, but in spite of him, by our influence over him.

Nothing could be more clearly indicated than this is in the preceding extracts. There is no attempt to induce a belief that the Minister would be a cordial co-operator in the pro-

posed reforms. His probable reluctance is avowedly anticipated. His constrained acquiescence is all that is presumed.

The same letter states: "To insist on good faith being kept by government and its agents with the cultivators, with regard to all engagements; to take care that the government and its agents do not exact more than the acknowledged rights of the government,—these are objects the successful accomplishment of which would go far towards the restoration of prosperity, and for which I shall never hesitate to exercise direct interference in every part of the country, for without it they would never be accomplished."

There is no disguise in this language. It shows openly what I conceived to be my powers under the instructions of Lord Hastings; and it was after the receipt of these unreserved declarations from me, and at a later period, that his Lordship wrote to me as follows:—"Let me take the opportunity, my dear Sir, of saying to you how gratifying the prospects are which you hold forth respecting the improvement in cultivation and comfort of the Nizam's territories. I feel keenly the duty of rendering our influence so beneficial; and I thank you sincerely for the generous energy with which you prosecute the purpose."

What relates to European managers and the employment of European officers in the same letter is as follows:—"The most effectual, and perhaps the only sure mode of introducing a reform into the country, would be by the appointment of European managers in the several districts; but this I consider to be prohibited by my instructions, and not desirable if it can be avoided, inasmuch as it would be tantamount to taking the government out of the hands of the Nizam and his Ministers. I do not think, therefore, of submitting any recommendation to that effect, unless I should find, after a fair trial, that my own efforts, with such aid as I can procure from the servants of the Nizam's Government, prove unavailing. The occasional interference, however, of the European officers of the Nizam's service, for the prevention of oppression and breach of faith on

the part of local authorities in the vicinity of their respective posts, is indispensable, and I shall, without scruple, have recourse to this assistance whenever it may seem necessary. Indeed, I have already acted on this principle in several instances."

The interference which I exercised never exceeded in principle the scheme above avowed. The employment of European officers of the Nizam's service, for the prevention of oppression and breach of faith on the part of local authorities, was the utmost extent of that interference.

If it was admissible and desirable in one part of the Nizam's country, it was equally so in all, where the same oppression and misrule prevailed. Whatever officer was so employed first became an officer of the Nizam's service.

The employment of officers in inspecting and superintending the revenue settlements had solely in view the prevention of extortion—an object which was unattainable without a knowledge of the terms of the assessments. No part of the collections ever passed through the hands of an European officer. There were native managers in every district. There was not an European manager in any district. And during my Residency the native managers were selected solely by the Nizam's Minister, without any recommendation on my part in any one instance; whereas, previously, the native managers of districts had been recommended by the Resident in several instances; an interference which, if it had not been stopped by me, must soon have taken the government of the country effectually out of the hands of the Nizam's Ministers.

I mention these differences of conduct because, as I have been attacked as the author of a system of unbounded interference, and Mr. Russell has ludicrously joined in the cry, it is due to myself to show the real state of the case, which was not only that the interference which I exercised was limited and defined, but also that I restrained and put bounds to the interference which was exercised before my administration. And the more closely the matter be examined, the more surely it will be found that the sole object of all my interference was to

check oppression and extortion; and that the assumption of power or patronage, or direct government, formed no part of my schemes.

I trust that I have said sufficient to prove to the Honorable the Court of Directors that the employment of European officers in the Nizam's provinces had preceded my nomination to the Residency of Hyderabad; that I avowed my intention of continuing it in the earliest of my despatches on the Nizam's affairs; that I never did more than extend that use of European officers as seemed necessary for purposes of check; and that I never appointed European managers in any district.

If I have succeeded in satisfying the Honorable Court on these points, I shall, I trust, remove the impressions under which my conduct was blamed in the 49th paragraph of the general letter of 21st January, 1824.

I regret very much the erroneous impressions which appear to have prevailed to a considerable extent in England regarding the interference exercised by me in the affairs of the Nizam's Government; because, whatever may be the merits or defects of the system which I adopted, in carrying into effect the orders of the Marquis of Hastings, it is quite certain that it cannot be justly appreciated unless it be rightly understood.

At Nagpoor we took the government completely into our own hands, and the country was managed entirely by European officers, posted with full powers in the several districts. There was not, in short, any native administration, and the interference which we exercised was nothing less than absolute undivided government in the hands of the Resident. The consequence has been a state of prosperity and comfort throughout the country, highly honorable to the British name, and to the distinguished functionary who has introduced and conducted our system of interference in that region.

Our interference at Hyderabad, although very beneficial, does not in its effects come up to the complete success which has attended our measures at Nagpoor; neither could it be expected that it would, for it is in its nature much less efficient.

At Hyderabad the native government remains unmoved. Native managers govern every district. European officers of check are employed; but their duties are limited in practice almost exclusively to such as have prevention or correction for their object; they exercise no authority without the co-operation of the native managers of districts, and have no orders sent to them by the Resident without the previous concurrence of the Nizam's Minister.

This is manifestly a very different state of things from that which has existed at Nagpoor. At Nagpoor the Resident's interfence was the exercise of all the powers of absolute and undivided government. At Hyderabad the Resident's interference was a continual struggle with the vices of the native government.

What the effect of our interference at Nagpoor may eventually prove, if it be at any time deemed proper to transfer the government to the hands of the Rajah and native Ministers, the native government having been intermediately subverted by the assumption of the chief powers of rule in the hands of the Resident and European officers under his orders, remains to be seen. The contingency has no doubt been, as far as possible, provided for; but at Hyderabad, if fortunately the establishment of an honest Ministry should hereafter enable us to withdraw our checks without fear of the renewal of Chundoo Lall's unprincipled extortions, the native administration would be found untouched in all its branches, not the smallest wheel of its machinery having been displaced.

The defect of the Hyderabad system of interference I take to be, that, from its limited nature, it necessarily falls short of perfect efficiency, as to its beneficial consequences, because it is exposed to a great degree of counteraction from the native administration. Its merit, I conceive, lies in doing the greatest possible good with the least possible degree of interference, and in tending to uphold, unimpaired, the Nizam's Government, while it checks the vices of his profligate Minister. It is, in short, a temporary expedient for the salvation of the

country, which may be withdrawn whenever there be any security that the evils of oppression and extortion, misery and ruin, for which it was designed as a remedy, will not be renewed.

TO W. B. MARTIN, ESQ.

Camp Beerum, Feb. 22, 1826.

MY DEAR MARTIN,—I am obliged to you for your letter of the 27th ult., and consider it as a kindness that you communicate with me regarding your proceedings. You speak of having shaped a course for yourself somewhat different from that which I pursued. You do not, however, say in what the difference consists. You mention an immediate communication with the Minister, in a manner which implies that you regard that as constituting a difference. This does not appear to me to be a difference of any importance. I communicated immediately with the Minister, until I was so disgusted by his perfidy and falsehood, as gladly to assign the trouble of personally combating them to my assistants. The more you have immediate communication with him, the more apprehensive I should be of your being deceived by him; for he has the plausibility ascribed to Satan, and will assuredly deceive those the most who most trust to him. Notwithstanding the friendliness of your letter, it conveys to my mind, combined with other circumstances, erroneously perhaps, an idea of a change in your opinions respecting past occurrences at Hyderabad. I have seen, in a letter from a person there, who is almost a stranger to me, addressed to another who is no friend, that you are understood to be a great admirer of "Mr. Russell's system." What is precisely meant by that term I do not know; but it is evident that something opposite to my mode of proceeding is intended. I hear also that you have, in the most public manner possible, avowed your respect and admiration for Russell's character and conduct; further, that you admire Chundoo Lall, and defend the conduct of Sir W. Rumbold and Mr.

W. Palmer. I ask myself, can all this be true? Is it possible that you can have imbibed sentiments which would warrant such constructions? If you have, I regret the change most on public grounds, for I can hardly think that the Resident at Hyderabad can entertain such opinions without injurious consequences. I shall regret it also on my own account; for I would rather have had my opinions confirmed by yours, and should have been proud of the alliance of our names in what I believe to be the cause of truth, honor, and right principle; but I shall have my consolation, even if I stand alone, and shall not be ashamed of my singularity, in the opinions which I entertain, and the conduct which I pursued, on Hyderabad affairs. I must seem to you to speak with more certainty as to your sentiments than anything in your letter would justify. The fact is, that you are already set down by the partisans of corruption as the patron of that cause, which I had for five years to combat; and you and Russell are classed together, by his friends, in contrast with your humble servant. My regret exceeds my surprise. I am well acquainted with the state of opinions at Hyderabad. I can conceive what feelings you will have found established there, and how and by whom you will have been beset. The Residency has come into your hands in a very different condition from that in which I found it. You have not seen what I saw; you have not had to feel what I felt; you have not been exposed to what it was my duty to combat. Your opinions on one side could not be so strong as mine; and you will have been assailed by an overwhelming mass on the other. I shall, I acknowledge, observe your course with anxiety. Do not misunderstand what I have said. I give to you what I claim for myself, and what I condemn others for not allowing me—I give you credit for exercising your judgment with perfect integrity of motive. I admit and maintain that you must take your own opinions for your guidance, and as you think, so must you act. I shall never doubt the excellence of your intentions, however wide the difference may be between your sentiments and mine.

Every man must follow his own. Mine on Hyderabad affairs are fixed as a rock; and if those of all the world were against me, that circumstance would not shake me in the slightest degree. I do not see cause to retract one word that I have ever said or written against the abominable corruption which prevailed at Hyderabad. I have said, and it is now in print, that it tainted the whole atmosphere. The expression was scarcely figurative. It was almost literally true, for go where one might, the smell of it was sickening. If you have leisure and inclination, I shall be happy to compare sentiments with you on all points. I am too interested in Hyderabad affairs not to have the inclination; and I will make the leisure, whether I have it or not. It may be otherwise with you; and, if so, do not suppose that I wish to propose what may be disagreeable. With respect to my own sentiments, I am willing that they should be thoroughly sifted, and exposed to any ordeal. I am so strongly convinced of their justness, that I dread nothing but misrepresentation and misapprehension. Before I conclude, allow me to thank you for the consideration which you have kindly shown towards those to whom I had promised appointments in the Nizam's service.

TO G. SWINTON, ESQ., SECRETARY TO GOVERNMENT.*

SIR,—I have the honor to acknowledge the receipt of your despatch of the 4th of May, transmitting copies of correspondence with the Resident at Hyderabad, relative to the progress of operations for the improvement of the Nizam's country.

The interest which I must naturally take, both in the results of past proceedings in that country, and in its future prospects, will, I trust, be deemed a sufficient reason for the submission of a few remarks with reference to the contents of those documents.

The general result therein described of our interposition for

* The original of this paper is without date; but it seems to have been written in the summer of 1826.

the amelioration of affairs in the Nizam's territories is highly satisfactory, as well as the prospect of future advancement in prosperity. I do not propose to trouble you with any detailed observations, either on these matters generally, or on those particular points on which I have the honor of entirely concurring in the opinions expressed by the present Resident. My remarks will be confined to those questions on which I see ground to entertain sentiments in some degree differing from his, or which may seem to call for some explanation on my part.

In accounting for the alleged partial failure of some of the village settlements conducted by British officers in the Nizam's country, it appears to me that too much stress is laid by the Resident on causes which did not operate injuriously to any great extent; namely, the supposed inexperience of the officers employed, and the assumed inequality of the assessments, when, in reality, the counteraction of the Minister, the exactions of his officers, the want of vigilant superintendence in some places, and local influence adverse to the success of the settlement in others, were the effectual causes of failure wherever it has happened.

Speaking of these settlements generally, it is acknowledged that they have rendered great benefit. To them alone do I ascribe our success in checking the extortions of the Nizam's Minister and his local officers. By no other proceeding could that object have been accomplished. Without limiting the demand on each community, and ascertaining the limit, we could not have prevented the licentious exactions which prevailed. That prevention was the main object of the measure. In proportion as we have accomplished that object, our plan has succeeded; in proportion as we have failed in that object, our plan has failed.

The success has been so extensive, notwithstanding the numerous obstacles which were adverse, that, although in this, as in almost every other arrangement ever adopted, it may be unquestionably true that it has not in every particular instance

143207

equally succeeded, the general character of the measure may suffer undue disparagement by magnifying defects which, although undeniable in some degree, were in fact very little, if at all, instrumental in producing any failure that may have been experienced.

There was no conceit that, in superintending village settlements, we were introducing any improvement on the institutions of the country. We were only following an established mode of assessing the revenue common to Indian Governments, and familiar to the cultivators of the Nizam's dominions.

If the Minister could have been depended on, he did not need instruction from us in forming revenue settlements. We merely did what he would have done, if he had cared for anything but the power of extracting the utmost procurable sum of money; and by limiting his demand within fixed boundaries, the great object of our village settlements was accomplished.

It seems to me to have been too readily admitted that the inexperience of the officers employed in the first settlement has to any serious extent affected the operation of that arrangement. They were necessarily inexperienced. So are those, for the most part, who are now employed. So, from the nature of the service, officers employed in civil duties in the Nizam's country are generally likely to be when first called on to discharge those duties. But it does not strike me that our first settlements in the Nizam's country went wrong in any great degree from the inexperience of the officers employed. What they may have wanted in experience was more than counterbalanced, in my opinion, by their talents, zeal, and judgment.

There are two modes of making village settlements; and, with attention, either may be mastered in a short time, without the advantage of previous experience.

One, very detailed, in which every minute particular necessary to the defining of the amount of the Government right to a hair, is accurately learned and recorded by the assessing officer, through personal examination and labor, on the spot.

This, from the time which it requires in execution, could not have been used with effect in our first settlements in the Nizam's country, and never, perhaps, can be, to any extent, by the few European officers therein employed. Neither does it seem to be very necessary, if the general value of assets be known with moderate correctness, although highly useful as a resource to adjust disputes and prevent imposition.

The second mode is, to be guided by the village accounts, and the general knowledge of assets possessed by the officers of Government and the village people, taking advantage of all the information to be obtained on the spot, without the delay of measuring and appraising every separate field and acre; and this, I am of opinion, will generally be found sufficient for the purposes of an ordinary village settlement, the only danger of very serious consequence to be guarded against being that of over-assessment, and even this, if fallen into, being susceptible of an easy remedy, applicable at any time.

This mode was the one adopted by the officers employed in the first settlements in the Nizam's country. They had the officers of the Government to advocate the Government rights, the villagers to plead their own, the accounts of both parties, with the records of past assessments and collections, to refer to, and local information and evidence to assist their judgment. I see no reason to suppose that the means were not generally efficient for the end; and if the inexperience of the officers then employed was necessarily to preclude a just and equitable assessment, I do not know what means are even now provided to secure that object in the settlements which are to come.

Wherever the settlement has had fair play, the result, I believe, will be found satisfactory; but the mere forming of a settlement must have been delusive where it was not maintained by vigilant superintendence; and wherever the settlements may seem to have failed, the true causes, I venture to say, would be found in the absence of local superintendence, and in the consequent counteraction of the officers of the Nizam's Government. Wherever, from inattention, the system

of extortion has been able to make head, the real failure is in our neglecting to maintain our check, and not in the defects of the settlement.

The most favorable specimen of the results of our village settlement would be found, I conceive, in the districts superintended by Captain John Sutherland, and subsequently by Captain Eric Sutherland, for those districts have had the benefit of continued able and vigilant supervision.

An inferior state of prosperity I should expect to be found in the Aurungabad division, where, although able and zealous officers have been employed, from the deaths of three superintendents, the illness and absence of others, and consequently frequent changes and introduction of new agents, portions of those districts were for a long time almost abandoned to the Minister's subordinates, so that neither, probably, has the settlement been faithfully preserved, nor have its defects, which ought to have been watched in its progress, been remedied.

I am far from supposing that the settlement was universally free from defects. What settlement that has ever taken place in the Company's territory can boast of such a character? But the main defects to be apprehended are over-assessment from error, or under-assessment from fraud, for either of which the government always has the remedy in its own hands, and neither, with proper superintendence, can operate injuriously to any great extent. Under-assessment is no injury to the village; and against over-assessment at the time of settlement there is the security that the village community will not assent to an exorbitant demand; but if they do, and the assessment be excessive, the defect can be remedied as soon as discovered.

All the evils, therefore, of such inequalities of assessment as may not unnaturally occur in an extensive arrangement, and have hitherto been found unavoidable in our own provinces, may be, and ought to be, rectified in the course of the superintendence to which the assessed villages be afterwards subjected; but if the requisite checks on exaction be neglected, and those whose sole object is extortion be allowed to work uncontrolled,

then not only will the defects of the settlement remain unremedied, but all its benefits will be lost.

In some instances, in the first settlement in the Aurungabad division, the assessment for the latter years of the period was run up to an amount greatly in excess of that of the first years of the settlement. This was done in the expectation of great effects from the influx of prosperity; and the people agreed to it, either from the same expectation, or from mere short-sightedness, or from an idea that the arrangement would not last so long as the end of the term. The conduct of the Government regarding these settlements required vigilant attention. It was my anxious desire that they should be scrutinised and, if necessary, revised; but I fear that the frequent change of superintendents prevented the execution of this intention; for, whenever it was taken in hand, some death, or other unavoidable accident, prevented its completion.

In the eastern and south-eastern divisions, the influence of the district officers enabled them and the Minister in concert to thwart the successful accomplishment of the object of a village settlement. The main object was to limit exaction from the several communities. The object of both the parties above mentioned was to render exaction unchecked and unknown. The European superintending officer was not armed with the powers necessary to enable him to counteract such a combination; and the natural consequence was, that our interference was not so successful in those districts as in others where the influence of the hereditary district officers was less predominant.

I do not concur with the Resident in attaching any material consequence to the circumstance that in many instances in these districts the officers designated Putwarees were the intermediate negotiators of the terms of assessment fixed on the separate villages. Those were the only head men existing in the villages, and were, for all practical purposes, the local Patels. In whatever respect their actual character may have been inconsistent with the original one of their office, that was an effect of a state of things preceding our interference, and not

resulting from it. We found them the sole local village managers, and, in dealing with the village communities separately, had none others to apply to.

What mode of settlement may be best for the south-eastern and eastern districts, with reference to the nature of their cultivation, and the overbearing influence of the district officers, is a question on which doubts may justly be entertained; and I am much disposed to hold the same opinions that are expressed by the Resident on that point; but whatever mode be adopted, unless it be one which shall give us the power of knowing the extent of demand against each community, and of preventing exactions in excess to that limit, we shall fail in the object of our interference. Village settlements were recommended by the advantage which they seemed to secure of putting that power into our hands.

I cannot acquiesce in the supposition that our village settlements actually deranged the connexion of the district officers with the village communities, which seems to be implied in a portion of the Resident's report; for in those parts for which the village settlement was best suited, where the influence of the district officers was least predominant, the settlement scarcely in any degree affected the relations of the parties, the district officers being engaged in carrying it into execution as a measure to which they were accustomed, while in those parts in which the district officers had usurped an overbearing power, they contrived, in combination with the Minister, to render the settlement nearly nugatory.

That the evil of inequality in the settlements was not very notorious or conspicuous, may be fairly argued, from the fact that the Minister proposed and, until urged, insisted on a continuance, for another series of years, of the assessment of each village as it stood at the termination of the period of the last settlement. The proposition was injudicious, because advantage ought to have been taken of the termination of the former settlement to correct its inequalities and imperfections in a new arrangement; but it must be admitted that the

Minister who made that proposition, and who has never been accused of ignorance, could not have had on his mind any impression of the prevalence of any very mischievous inequality in the assessments. He must have been satisfied, supposing the proposition to be sincere, that the actual assessment was adequate to the lawful claims of the Government, and, nevertheless, not overburdensome for the people; and nothing more satisfactory can be said in favor of any settlement.

The Resident bears a similar testimony to the general accuracy of the first settlements. In noticing the increasing rate on which they were formed, he observes, that the amount of the first year's assessment has been fully paid for every year, but that the amount of arrear for the whole term generally coincides with the augmented demand for the same period. This would argue, if no allowance be made for bad seasons, embezzlement, and neglect of superintendence, that the assessment for thefirst year was wonderfully accurate; and, if due allowance be made for those drawbacks, it may fairly be inferred that, with good seasons and vigilant supervision, the augmentation might have been realised. As it is proposed to continue the highest rate of that augmentation in the ensuing settlement, it must be admitted that it is not deemed too high for the improved resources of the country; and I am inclined to believe that, on examination, it would be found that the augmented assessment hitherto has very generally been realised from the villages, whether brought to the credit of the government or not. The latter point depends on the vigilance of superintendence, not on the assessment itself; the accuracy of which is to be judged of from what the villages have actually paid without injury.

These results of the first settlements, indicated by the Minister's proposals and the observations of the Resident, are more favorable than I could have hoped to see established; and wherever any failure has occurred, I am confident that it may most justly be attributed either to the counteraction of the Minister and the district officers, or to the want of vigilant

check, or to a combination of both causes, and not to defects in the settlement; because it was an indispensable part of our interference to remedy these defects when they were perceived, and they would have been perceived where a proper superintendence and check were maintained.

The officers engaged in effecting the first settlements are entitled, I conceive, to the highest praise, and I am sorry to see their services disparaged by ascribing to their inexperience what other causes have been much more active in producing. Those who come after them have the benefit of their labors, without the same difficulties which they had to encounter. All the substantial good done in the Nizam's country has proceeded from the village settlements; and if we underrate their value, there is some danger that we may throw away the advantages which they have caused.

It seems that the Minister has spontaneously proposed to regulate the assessment in the ensuing settlement by the standard of the past, instead of levying the increased rent, which would have been warranted by augmented assets.

I am at a loss to understand this proposal as coming from the Minister. It appears to be an unnecessary sacrifice of the just rights and lawful resources of the Government, which, the expenditure being in excess to the income, is not intelligible. It is quite incompatible with his real character to relinquish anything that he expects to be able to exact. To limit his demand to the amount of the last assessment, is also inconsistent with his repeated complaints to the effect that the last assessment was too low. He must either, therefore, be convinced that the amount of assessment is as much as can now be levied with justice to the country, or he must have some sinister motive in the proposal; and a desire to have a resource for underhand exactions, distinct from the revenue brought to account, is not an improbable one. I acknowledge my scepticism, founded on several years' intimate observation of his character, as to his sincerely intending to confer a boon on the people by a voluntary surrender of the public revenue. As this

object, however, is pretended, I trust that his counteraction of it will be prevented by the vigilance of the Resident and the local superintendents.

Of the measure itself I do not perceive the advantage. The expiration of the last settlement afforded an opportunity for remedying any defects which might have existed in it by a new adjustment of the assessment. There was no necessity for pressing hard on the people. The Government might have been as liberal as it could afford to be. It might have relinquished as great a portion as possible of its lawful demand; it might have made its boon to the people, if that was really the object, as extensive as could be, consistent with the public exigencies; but there was no reason for throwing away the opportunity of equalising the burdens of the assessment by a new adjustment; nor do I perceive any sufficient for rejecting the benefit of an increase of revenue, if it could be obtained under a just and moderate assessment.

It is, however, clear to me, supposing the Minister to have had no worse motive for the proposal, that it proceeded, not from a desire to relinquish just revenue, which was merely the color which he chose to give to it, but from an apprehensiveness that a new settlement might possibly reduce the actual assessment. This is the most honest motive that he is capable of having entertained; and to his mind, always haunted with the dread of a diminution, from the operation of our interference, of means to support his expenditure, it was not an unnatural one. Its working is traceable in the manner in which it was designed to carry the proposal into effect.

At first, every village, without regard to actual assets, or inequalities of assessment, either proceeding from original error, or from changes in circumstances, was to have had precisely the same burden continued: and this scheme was for some time persevered in, notwithstanding the representations of the local superintendents, European and native. Had it been finally carried through, the consequences obviously must have been, that in villages where the assessment was in any degree too

high, those villages would be oppressed and ruined, and the government would lose its revenue; while in villages under-assessed, the government would not recover its just rights, nor recompense itself for the loss sustained in those over-assessed.

The conviction that such consequences were inevitable could not be permanently resisted; and the scheme was so far abandoned as to admit a readjustment of the assessment of villages; but it was at the same time resolved that no difference should take place in the amount of the revenue of each Purgunnah.

If this mode were not fully as objectionable as the other, it could only be less so on the supposition that no general over-assessment had taken place in any Purgunnah. Of this I am not sure; nor is the supposition consistent with the notion of any great defects in the first settlement; but even if that be admitted, it is still far from improbable that different purgunnahs may have been unequally assessed, or that unevennesses requiring levelling may since have arisen; and on the same grounds on which it is desirable that the assessment of villages should be equalised, it is not less so that the assessment of Purgunnahs also should be equalised.

If we suppose the case of a Purgunnah actually over-assessed, the equalisation of the assessment of the villages of that purgunnah must lead to the over-assessing of all. Such an assessment, it is clear, could not stand; and unless remedied in time, would end in ruin to the Purgunnah and loss of revenue to the Government.

The right course, on the termination of the old settlement, manifestly would have been to effect a new one on just and moderate principles, according to assets. If increased revenue had accrued to the Government, I do not see that it would have been objectionable, considering its exigencies; but that might have been relinquished, or taken according to circumstances. At all events, the opportunity would not have been lost of equalising the burden and alleviating the pressure wherever it might be unusually severe.

That this obvious course was not followed, can only, in my

mind, be accounted for by the supposition already suggested, that the Minister was apprehensive of loss of revenue from a new assessment according to assets; not, perhaps, from a doubt of the sufficiency of assets, but from a fear that the officers employed might be too liberal to the people in fixing the assessment.

On the scheme adopted for the new settlement, while the trouble of a fresh assessment of all the villages in each Purgunnah is to be gone through, in order professedly to equalise the assessments of villages, neither will the assessments of Purgunnahs be equalised, nor will those of villages with relation to villages of other Purgunnahs. Unless, therefore, the assessments of Purgunnahs be already equal, the assessments of villages must remain unequal. At the same time, the possible benefit of increased revenue will be thrown away, and no advantage will be gained beyond that of equalising the assessment of villages with relation to villages in the same Purgunnah; an operation, after all, of no certainty, unless a perfection be anticipated in the new settlement, which never, perhaps, was yet found in any village settlement, and for which a minuteness of information is necessary which can hardly be expected, considering the mass of work to be done, and the paucity of laborers.

If it is to be understood, as I believe, that revenue which might have been obtained with justice and moderation has been relinquished in the new settlement, although the needless sacrifice may be lamented, it is gratifying to reflect that the fault is on the right side, and that the loss of revenue to meet the demands of expenditure is a light evil compared with the fatal consequences of over-assessment.

The plan proposed by the Resident for the gradual reduction of the number of district officers is recommended by the considerations which he states; but there seems to me to be reason to doubt the expediency of our urging it as a scheme in which we take an interest; for its operation, which from humane and considerate motives is to be gradual, must be so tardy, as

scarcely to have any effect during the period in which our interference may be necessary, the day, I hope, not being immeasurably remote when it may cease; and we cannot afterwards calculate on a steady perseverance on the part of the Nizam's Government in a systematic proceeding to which powerful interests will be opposed. In the mean time, the progress of the measure will injure established privileges and conceived rights, and cause discontent in the whole class affected, the shafts of which the Minister will artfully throw off from himself upon us, while the connexion between him and them for the counteraction of our good intentions will be more closely knit, and his co-operation in the measure itself will not probably be cordial.

I conceive, therefore, without questioning the utility of the object, that our interference in this particular is likely to be inefficacious for good, while the evil to be removed is not of so crying a nature as to render our intervention indispensable. The power of the district officers varies much in degree in the several parts of the Nizam's territories where different practices prevail. It may be usefully or injuriously exerted. Their embezzlements may be checked, their influence may be kept within proper bounds, by due vigilance. The cordial co-operation of the Minister is, however, necessary; and their power is most mischievous and least assailable when exercised in league with him, to prevent the establishment of sure checks on irregular exaction.

The judicial arrangements contemplated seem to be unexceptionable in theory. How they would work in practice is uncertain; and I confess that I entertain apprehensions adverse to any attempts to introduce new schemes of our own contrivance, the permanence of which beyond the period of our actual interference cannot be relied on. As long as our interference be confined to the prevention of manifest oppression, and to the support of the institutions which exist, we do good without innovation, and, at the proper time, can restore the entire management of the country to its sovereign in a state of

unquestionable improvement, its machinery repaired and put in order, without being affected by change; but if we aim at legislation and the introduction of new systems founded on our theoretical notions, the practical effect is uncertain, the sincere concert of the Ministry for the time being cannot be secured, and it is most probable that our innovations will be subverted whenever we withdraw our interference, which ought always to be conducted with a view to its eventual cessation, and as a temporary course forced on us by necessity for the cure of obvious evils, not as a prelude to the introduction of our permanent legislation into the country.

I cannot profess to place much confidence in the accounts received from the Minister, as to either receipts or disbursements. In whatever particular he may have had an object in deceiving, he will, I have no doubt, have suited his account to his purpose; but the rendering of any account in any detail is a considerable step gained, and lays the foundation for future check and control. The success of the Resident on this point is of the highest importance.

In the accounts, such as they are, it is impossible to avoid noticing the excessive proportion of the expenditure which passes through the hands of the Minister, his son, relatives, and dependants. In this Mahomedan State the holders of the public purse are almost entirely Hindoos. The Mahomedan nobles, possessing any considerable share of advantage, do not exceed three or four, including the nominal chief Minister.

This state of things is not unnatural, under the circumstances which have produced the entire usurpation of the powers of the Government by the Hindoo deputy. My motive in these remarks is an anxiety that the same things may not be prospectively perpetuated by our influence, and that it may be borne in mind that the advantages held by Chundoo Lall's relatives and dependants are conferred by him during his temporary usurpation, but are not possessions which they are entitled to retain after the cessation of his power. I anticipate that this precaution will be found hereafter not to have been superfluous;

for before now plans have been agitated which seemed to have in view the hereditary succession of Chundoo Lall's son to the absolute autocracy which the father now holds; and such plans, I have no doubt, continue to form a part of Chundoo Lall's speculations.

The Resident, in noticing the Nizam's conduct regarding a loan from the privy purse for the service of the State, remarks that it indicates a separate view of his own interests, as distinct from those of his Government.

His view could scarcely be otherwise, considering that he has so long been excluded from any share in his Government, that every attempt which he has made to assert his sovereign rights has been crushed, either by our direct interposition, or by the successful menace of it on the part of the usurping Minister, and that the Prince is merely a State pensioner in his own dominions.

From this condition of thraldom he might now, perhaps, emancipate himself, without opposition on our part; but it has been too long established to be easily cast off. His mind, although not naturally, perhaps, incapable of fulfilling the duties of his station, must have been affected by long depression and seclusion. Nevertheless, he is "more sinned against than sinning," and I can hardly imagine a situation more entitled to pity, or more calculated to disarm censure, than that of a prince so held in subjection by a servant, supported by an irresistible foreign power.

The further reduction of the rate of interest at which money is raised for the use of the Nizam's Government, by our intervention, to 9 per cent., is an additional refutation of those absurd falsehoods by which it was attempted to bolster up the character of the ruinous loans from Messrs. W. Palmer and Co., to which their acquired influence gave all the effect of our guarantee; while the fact stated by the Resident, that the Minister cannot borrow at a lower rate than 24 or 25 per cent., is a lamentable proof of the total want of credit attached to his engagements.

The Resident seems disposed to speak rather favorably of Chundoo Lall's conduct and disposition, and I respect the liberal spirit which induces him to do so. I can readily conceive that the conduct of that Minister may have really improved. He has seen the discomfiture of the interested intriguers who incited him to oppose and counteract our measures of reform. He must by this time be sensible that those measures do not proceed merely from a local Resident, acting with doubtful support, but emanate from the Government, to whose protection he is indebted for his power. Still I apprehend that his nature cannot be changed. Our interference is a check on him, and he cannot cordially relish it. I should fear that too great confidence in his professions, smooth demeanour, and facile compliance, might lead to a relaxation of that wholesome distrust and watchfulness which I conceive to be necessary to guard effectually against the vicious habits of his administration. All that has been gained might be lost by an injudicious reliance on his sincerity. We have a powerful security in the acuteness and distinguished ability of the present Resident; but Chundoo Lall's manner is winning and persuasive; his language is plausible; and to avoid being deceived by him requires, perhaps, those proofs of his faithlessness which the period of his struggle against our measures brought to my knowledge, and imprinted indelibly on my memory.

We cannot safely forget that his long maladministration formed the necessity for our interference; that this now rests on the same ground; and that it might at once be withdrawn if we could depend on the sincerity of his professed desire to govern the country without oppression. No one doubts his ability; we do not pretend to instruct him; nothing, in short, but the vicious character of his administration renders our interference necessary. As we cannot trust to his sincerity so far as to leave him to govern without control, we have the same ground for apprehending the too great probability of the operation of his underhand counteraction whenever the opportunity may be afforded, by any relaxation on our part, of our just mistrust and vigilance.

THE BURMESE WAR.

[Transmitted to the Governor-General, Lord Amherst, June 8, 1824.]

Our great success in India has induced the systematic habit of despising our enemies, and thence we are liable to disasters and reverses from which otherwise we might be preserved by the actual magnitude of our power and extent of our resources.

Our Indian Empire is owing solely to our superiority in arms. It rests entirely on that foundation. It is undermined by every reverse, however trifling, and would not long withstand any serious indication of weakness.

All India is at all times looking out for our downfall. The people everywhere would rejoice, or fancy that they would rejoice, at our destruction; and numbers are not wanting who would promote it by all means in their power. Our ruin, if it be ever commenced, will probably be rapid and sudden. There is, perhaps, no other power on earth, judging from the superficial nature of our tenure, between whose highest elevation and utter annihilation the interval would be so short. "Aut Cæsar aut nullus." From the pinnacle to the abyss might be but one step.

The fidelity of our native army, on which our existence depends, depends itself on our continued success. Its courage and confidence must be fed by victory, and would not survive repeated defeat and disaster.

These sentiments are not new. They are applicable to all times in our Indian history, since our power became predominant. They lie dormant, perhaps, in days of peace and appa-

rent security; but the slightest disaster rouses them into active sensibility.

The Goorkha war taught us a serious lesson on this subject. Though ultimately successful, it commenced with numerous failures of various descriptions. The superiority of our troops over the Goorkhas became doubtful, or, to speak more plainly, the superiority of the Goorkha troops in mountain warfare seemed to be manifest, and a corresponding sensation was created in our army.

Owing to the character of the enemy, more than any other cause, our several divisions in the first campaign, excepting those of Sir David Ochterlony and Colonel Nicolls, proved inadequate to the purposes for which they were destined, and it became necessary to reinforce them. The judicious caution of the former, and equally judicious energy of the latter, under different circumstances, closed that campaign with victory, which otherwise would have terminated, as it commenced, in general discomfiture.

Referring to the events of those days, it is a matter of congratulation that the division ordered to penetrate to Katmandhoo, in the first campaign, did not make the attempt, for if it had entered the hills in the weak columns directed to advance by different routes, it is not improbable, from what we afterwards learned of the character of the enemy, that our several detachments would have been cut off and destroyed.

Our success was ultimately considerable in the first campaign, during which, however, we had, I believe, about forty battalions employed against the enemy, in numerous divisions.

In the second campaign we took warning from the errors of the first, and the war was terminated by directing a large and apparently sufficient force—not less, I believe, than sixteen thousand men, including three regiments of Europeans—against the enemy's capital, which operation brought him to submit to the peace which we dictated.

The Burmans have commenced the war with us in a manner which perhaps was little expected. They have the advantage

of first success, and we have the disadvantage of disaster, which is likely, in however small a degree it may have taken place, to be of worse consequence to us than it would be to any other power in the world, because unremitting success is almost necessary for our existence. As yet we only know of the destruction of Captain Noton's detachment. If after this the Burmans be checked without further success on their part, the cloud may for the present pass over, to burst on some future day if we do not adopt the requisite measures of caution to guard against a repetition of such disasters. But if the Burmans continue in a triumphant course for any considerable length of time, the consequences cannot be foreseen.

It is evident that we have an insufficiency of troops within any moderate distance of the scene of invasion, and that the progress of the enemy has carried alarm to Dacca and even to Calcutta, where alarm has not been felt from an external enemy since the time of Surajah Doula and the Black-hole.

To oppose this apparently unexpected invasion, we are driven to the necessity of reinforcing our troops in danger by separate small detachments, which, if they cannot immediately form a junction with the corps to be released from jeopardy, may be separately cut off by the enemy. We want a large collected force to drive the enemy from our country in the first instance, and act afterwards as may be deemed advisable.

The effect of our expedition by sea against the Burman territories cannot be reckoned on with any certainty. We must not trust to that alone, but should adopt such measures as are rendered necessary by the circumstances in which we are involved.

We are engaged in a contest with the Burmans on the whole length of the eastern frontier of our Bengal possessions. Our enemies appear not to be deficient in either spirit or numbers; and we must bring numbers as well as spirit to oppose them.

We ought to carry twenty or thirty thousand men to that frontier—or whatever number, more or less, may ensure undisputed success. We cannot retire from the contest with either

honor or safety, unless we clearly establish our superiority to the conviction of our enemy, and of all powers who are spectators of the game.

With two efficient and disposable armies of ten or twelve thousand men each, complete in every necessary arm and every requisite equipment, and especially abundant in ordnance, one in the northern, and the other in the southern division of the hostile boundary, exclusive of the usual guards of stations and depôts, we may expect to be able to drive the enemy before us; but if the service should demand more than that force we must provide it.

The expediency of invading the enemy's country from Bengal, the force fit for that undertaking, and the details consequent on such a design, are points for consideration, and require for decision more knowledge than I can pretend to possess; but whether we invade the enemy's country or defend our own, we must exert ourselves to establish our superiority beyond question.

The troops required on our Bengal frontier may be collected from the upper provinces under the Bengal Presidency, and from the Madras and Bombay Presidencies, or the troops of those Presidencies may be used to relieve those of Bengal in the interior of India.

To supply the place of those furnished from the northern and western provinces of our Bengal dominions, an additional force must be raised for service during the war, for our Bengal army is very much scattered in small bodies, and it is not safe to leave any part of the country destitute of troops in time of commotion. The Madras territories are more compact, and are, therefore, better able to spare troops without replacing them; but a considerable force has already been sent from that Presidency on the expedition, and it might, perhaps, be necessary to replace further drafts by additional levies of some description for internal duties.

The most speedy mode of supplying an apparent, and eventually a real increase of force, is by the formation of temporary

battalions, composed of detachments of two or more companies from each battalion not employed on actual service, the vacancies in the battalions furnishing the detachments to be refilled by recruiting. This measure was had recourse to partially in the Goorkha war: battalions were formed from flank companies of corps, and the deficiencies in those corps occasioned by that operation were filled up. Thus an apparent increase was at once produced, and a real increase in the most speedy manner possible. After the war, the detached companies returned to the respective corps to which they permanently belonged; and the supernumerary Sepoys were absorbed by degrees in the standing army. The same process adopted generally at the three Presidencies would give a very considerable increase, with the shortest practicable delay and the least possible inconvenience.

Another mode of raising a temporary force is by levies, or extra battalions, which may afterwards be fully officered, if the necessity continue, or be absorbed in the permanent corps of the army after the exigency shall have ceased.

The expense of an increase of our force is an obvious objection; but no war can be carried on without expense, and those measures are, in the end, the least expensive which tend to prevent disaster, and bring the war to the most speedy termination. A few more battalions stationed in Chittagong would have prevented the invasion of the Burmans in that quarter; and we shall probably lose more, merely in a pecuniary sense, exclusively of higher considerations, from that invasion, than we should have lost by the previous levying of many additional battalions, if this had been deemed necessary.

In such a war it would seem to be a proper measure to have an efficient force at the capital: at least the full complement of the station in times of peace. It is to be hoped that Calcutta will never be in real danger; but the presence of a powerful force would prevent those alarms which, spreading everywhere from the capital, are abundantly mischievous. It would also enable us speedily to reinforce any point menaced, and would

have been of great service, most probably, on the first occurrence of the present invasion of Chittagong.

It is not pretended, in the hasty remarks herein thrown together, to suggest any plan of operations against the enemy, but merely to call attention to the belief, strongly impressed on my mind, that there is real danger to our whole empire in India from the slightest reverse at any point whatever, if it be not speedily and effectually repaired. The intelligence spreads like wildfire, and immediately excites the hopes and speculations of the millions whom we hold in subjugation. It therefore becomes a most important part of our policy, at all times and under all circumstances, to prevent disaster by precaution, or to check it when it has occurred by exertions suited to the occasion. The Burmans have now caused the necessity. Let us put forth our strength to prevent further misfortune, and crush the evil before it be fraught with more extensive injury and greater peril.

[From a letter written, at a somewhat later period, to Lord Amherst, the following passage is extracted, chiefly because it indicates what I have often heard doubted, that our dealings with so remote a power as that of Burmah have much effect upon the minds of the princes and people of Upper India. "Your Lordship," wrote Sir Charles Metcalfe, "will probably have heard from various quarters that the Burmese war has excited the strongest sensation throughout India. Everything of an unprosperous character has been exaggerated and magnified. Delay in decided success has been represented as entire failure and disastrous defeat. Our real victories and the exploits of our troops have been unnoticed, while the most wanton and extravagant reports of our approaching downfall have gained credit. I have seen a native paper stating that the Commander-in-Chief had been killed in an action with the Burmans near to Calcutta, and that your Lordship had put an end to yourself by poison. All this, I conceive, may be attributed as much to the wishes as to the expectations of a people who are accustomed to Revolution and versatile in their opinions, and who loathe our rule as that of Aliens in Country, Blood, Color, Religion, Habits, and Feelings. The multitude have of course been worked upon by the malicious practices of the designing. Decided success, however, will work a wonderful change in their notions of the stability of our power. On every account I hope and trust that your Lordship's measures will be crowned by the perfect submission of the enemy, and the conquest of an honorable peace, attended by security on our eastern frontier."]

BHURTPORE AND ULWUR.

[1825.]

GENERAL QUESTION OF INTERFERENCE IN THE CONCERNS OF OTHER STATES.—It is presumed to be universally acknowledged, as a general principle, that we ought not to interfere in the internal affairs of other States; and the same is enjoined by the repeated orders of the Court of Directors.

But we are continually compelled to deviate from this rule, which is found untenable in practice; and the deviation is generally sanctioned, and sometimes directed, by the same authority.

For instance, it seems that interference to prevent the evils of a disputed succession has been recently authorised, in contemplation of the event of Sindhiah's death, although our interference in the affairs of his Government is less obviously necessary than in cases where our supremacy is openly avowed and acknowledged.

We have by degrees become the paramount State of India. Although we exercised the powers of this supremacy in many instances before 1817, we have used and asserted them more generally since the extension of our influence by the events of that and the following year.

It then became an established principle of our policy to maintain tranquillity among all the States of India, and to prevent the anarchy and misrule which were likely to disturb the general peace.

Sir John Malcolm's proceedings in Malwah were governed

by this principle, as well as those of Sir David Ochterlony in Rajpootana.

In the case of succession to a principality, it seems clearly incumbent on us, with reference to that principle, to refuse to acknowledge any but the lawful successor, as otherwise we should throw the weight of our power into the scale of usurpation and injustice. Our influence is too pervading to admit of neutrality, and sufferance would operate as support.

Whether we ought to interfere in the formation of an administration for the government of a country is a much more disputable question; and such are the evils of this kind of interference, that we ought, I conceive, to avoid it whenever this be practicable.

Interference of this nature must be disgusting to the head of the Government, whether Prince or Regent. Either, as at Hyderabad, the Minister, supported by our power, will become the sole ruler, to the exclusion of the Prince, or, as at Jyepore, the first opportunity supposed to be favorable will be seized for ejecting the Minister.

Our original interference at Hyderabad in the nomination of a Minister has led to the necessity of further interference in the internal affairs of the Nizam's Government; and such is the natural consequence of the previous step, as we undoubtedly become responsible for the misrule of an administration which is imposed on a country by our influence.

In order, therefore, to avoid the gradual extension of our interference in all the internal concerns of foreign States, it is of all things most necessary to refrain from setting up a Minister who is to be supported by our power.

If the Prince be of age, he ought to have exclusively the regulation of his Ministry. If the Prince be a minor, the constitution of each State will point out the proper person to exercise the powers of Regency during the minority, and that person, for the time, must stand in the place of the Prince.

Such misrule may possibly occur as will compel us to interfere, either for the interests of the minor Prince, or for the pre-

servation of general tranquillity, the existence of which is endangered by anarchy. In such an extreme case, the deposition of the culpable Regency, and the nomination of another, according to the customs of the State, with full powers, would be preferable to the appointment of a Minister, with our support, under the Regency; for this latter arrangement can hardly fail to produce either a divided and inefficient Government, or an odious usurpation.

With respect, therefore, to all States over which our supremacy extends, our duty requires that we should support the legitimate succession of the Prince, while policy seems to dictate that we should, as much as possible, abstain from any further interference in their affairs.

These observations do not apply to States beyond the sphere of our supremacy, such as those of Lahore and Nepal. These are situated without the external boundaries of our Indian dominion. We are not under any obligation to guarantee the legitimate succession in those States; neither does policy seem to demand that we should interfere in any way in their concerns. We would not, it may be presumed, hastily recognise an usurpation in either of those States; but we should not be called on to interfere to prevent it, unless the tranquillity of our own territories were actually menaced.

But with regard to those States which are within the belt of our supremacy, and consequently under our protection, including the States of Rajpootana, Malwah, and the Dekkan, we cannot be indifferent spectators of long-continued anarchy therein without ultimately giving up India again to the pillage and confusion from which we rescued her in 1817-18.

We attempted to act on the principle of non-interference after the peace of 1806. We had succeeded to Sindhiah as lord paramount of the Sikh States between the Sutlej and the Jumna; but we abstained from exercising the authority which we had acquired. Some of these States had internal dissensions which they called on us to settle. We replied that it was contrary to our system to interfere in the affairs of other States. The dis-

appointed parties applied to Runjeet Singh. He was not loth; and after feeling his way cautiously, and finding no opposition from us, gradually extended his power and influence over the whole country between the Sutlej and the Jumna. It became the principal business of our negotiation with him in 1808-9 to remedy this mischief, by throwing his power back beyond the Sutlej, which was accomplished with considerable difficulty, great reluctance on his part, and a near approach to war.

BHURTPORE.—Supposing the principles above stated to be correct, our duty with regard to the succession at Bhurtpore may be easily defined.

We are bound, not by any positive engagements to the Bhurtpore State, nor by any claim on her part, but by our duty as supreme guardians of general tranquillity, law, and right, to maintain the legal succession of Rajah Bulwunt Singh to the Raj of Bhurtpore; and we cannot acknowledge any other pretender.

This duty seems to me to be so imperative, that I do not attach any peculiar importance to the late investiture of the young Rajah in the presence of Sir David Ochterlony. We should have been equally bound without that ceremony; which, if we had not been under a pre-existing obligation to maintain the rightful succession, would not have pledged us to anything beyond acknowledgment.

The lawful Rajah established, Bhurtpore may be governed, during his minority, by a Regency such as the usages of that State would prescribe. How this should be composed can only be decided by local reference.

Doorjun Saul having unquestionably usurped the Raj, seems to be necessarily excluded from any share in the Regency or administration, and his banishment from the State, with a suitable provision, will probably be indispensable for the safety of the young Rajah; the more so if, as I suppose, Doorjun Saul, by the custom of that State, is next in succession to

Rajah Bulwunt Singh, and consequently the actual heir-presumptive to the Guddee.

Madhoo Singh stands at present in a different predicament from his brother. Originally engaged with Doorjun Saul in the violence which established the power of the latter, he has now separated himself from him, affecting to denounce his usurpation, and to uphold the right of the infant Rajah. If Madhoo Singh be sincere in these professions, he may redeem his past fault, and may be useful in re-establishing the Government of Rajah Bulwunt Singh, in which case it might not, perhaps, be necessary to exclude him from the administration. If, indeed, securities could be established for the safety of the young Rajah, it is possible that an administration under Madhoo Singh might be more efficient than any other that could be formed for the management of affairs during the minority. There is reason, however, at present to mistrust Madhoo Singh, from his past conduct, and the character given of him by Sir David Ochterlony.

If Doorjun Saul persist in his usurpation, and retain possession of Bhurtpore, it will be necessary to eject him by force of arms.

Madhoo Singh, in that case, will either join his brother in opposing us, in which event he will be subject to the same exclusion from the Bhurtpore territory, or he will act with us on the side of the Rajah, which would give him a claim to consideration.

If Doorjun Saul be disposed to relinquish his usurpation without making resistance, and to retire from the Bhurtpore territory, he might wish to stipulate that the same fate should attend Madhoo Singh. We are neither bound to agree to this stipulation, nor are we under any obligation to reject it. It would, perhaps, be premature to determine now what should be done in such a case, as much might depend on circumstances at the time, and the intermediate conduct of the parties.

If we be compelled to have recourse to force for the establish-

ment of the young Rajah, and find both the brothers opposed to us, it will then be necessary to exclude both Doorjun Saul and Madhoo Singh from the territories of Bhurtpore, and to establish a regency during the Rajah's minority, composed as may be most conformable to the customs of the State

Doorjun Saul, finding us determined to support the right of the young Rajah, may propose to relinquish his usurpation of the Raj, and stipulate for confirmation in the Regency. This would be a continuation, in a modified shape, of the usurpation which he effected by violence in contempt of our supremacy. It would not be possible to obtain any security for the safety of the young Rajah if Doorjun Saul, who is either the next heir, or at least a pretender to the Raj, were Regent. Even if these difficulties were surmounted, for the sake of a quiet termination of our embarrassments, it is by no means certain that such would be the effect. Madhoo Singh seems to have possession of half of the country, and to be extending his power. Of the four places of note which belong to the Raj—Bhurtpore, Deeg, Wer, and Komer—he has already seized on Deeg and Komer;* and there is no symptom that Doorjun Saul will have the power to put him down. To exercise our own power by force of arms, in order to establish the Regency of Doorjun Saul and subdue his rival, Madhoo Singh, would make us subservient to the interests of a usurper, who has no claim to our support from either character or conduct. We are not called on to espouse the cause of either brother, and if we must act by force, it would seem to be desirable to banish both; but of the two, Madhoo Singh seems to be the most respectable in character, and the greatest favorite with his countrymen. It might be as difficult to take Deeg from Madhoo Singh as Bhurtpore from Doorjun Saul; and in any point of view the employment of our arms in support of the Regency of Doorjun Saul would not seem to be a fitting result of his usurpation, and the indignity offered

* This was a mistake. He had seized Deeg and Kama, but not Komer.—C. T. M.

to us by the violence which he committed in defiance of our supremacy.

It seems difficult, however, to determine more at present than that the succession of Rajah Bulwunt Singh must be maintained, and such a Regency established during his minority as may be prescribed by the customs of the State, with due security for the preservation of his safety and his rights. Every other point appears to be open to discussion; and it is possible that a nearer view of the scene may suggest sentiments and plans which do not occur at a distance.

ULWUR.—There are two questions with the State of Ulwur.

One refers to the revolution by which the illegitimate son of the late Rao Rajah was ejected from his participation in the Raj.

The other regards our demand, hitherto neglected, for the attendance of the persons charged with instigating the assassination of Newaub Uhmud Buksh Khan.

This demand having been continually urged by our representative, it is a point of honor to insist on compliance; and if it be necessary, we must proceed to the extremity of war to enforce it.

If it be complied with without that extremity, the inquiry into the charge might be conducted at Dihlee by the Resident or one of his assistants, not in a Judicial Court, but at the Residency. It will be an embarrassing investigation, and the greater probability is, that suspicion will continue to attach without sufficient proof of guilt. In this case the parties ought to be released; but Uhmud Buksh Khan will not be satisfied without the punishment of those on whom his suspicions are fixed. He is a man of strong passions, and will not understand how men can be released, in consequence of want of evidence, whom he believes to be guilty.

Supposing our differences with the State of Ulwur, on account of this demand, to be amicably adjusted by its compliance therewith, it does not seem to be positively incumbent on

us to interfere for the restoration of the illegitimate son of the late Rajah to his participation in the Raj.

His ejection might undoubtedly be considered as offensive to our supremacy, after the application by which our sanction was obtained to the arrangement which established his participation; but as we never approved that arrangement, and expressed our doubts of its success, reserving a right to support any other that might seem better calculated to promote the interests of the State, we are at liberty, if we choose, to recognise the sole sovereignty of Rao Rajah Benee Singh, and to sanction a suitable provision from the State for the illegitimate son of the late Rao Rajah.

If, however, the perverse conduct of the Court of Ulwur should compel us to have recourse to arms, in order to enforce our demand for the surrender of the persons charged as instigators of the attempt to assassinate Uhmud Buksh Khan, we shall then be fully at liberty to resume the territories granted to the late Rao Rajah, and either to reannex them to our own dominions, or to form them into a distinct principality for his son, either of which measures would be a just punishment to the present Rao Rajah for the contempt with which the Court of Ulwur has lately treated our supremacy. This contempt has been shown by the subversion of the arrangement for the government which had been established with our sanction, by the evasion of our demand for the surrender of the persons charged with instigating the assassination of Uhmud Buksh Khan, and more than all by the subsequent nomination of those persons to the most important offices of the State.

JYEPORE.—At this Court, a Mokhtear, or Prime Minister, appointed by our influence, has been ejected by the Regent Ranee; but his ejection was countenanced by our representative, and the arrangements consequent thereon have since been sanctioned by the Governor-General in Council. This matter, therefore, is for the present settled.

It seems probable that the misrule of the Ministry set up by

the Ranee since the expulsion of the Mokhtear, will eventually compel us to further interference; but this, it is hoped, may not be immediately necessary, and it is very desirable that it should be avoided if possible.

Our next interference, if rendered unavoidable, must probably be for the removal of the Ranee from authority, and the substitution of another regency.

At present the Ranee shows a strong inclination to recall Jhota Ram, who was expelled by our influence. Should he persist in this design, and continue to resist our demand for his removal, we shall be bound to enforce it by war; in which event we shall be entitled to insist on the establishment of a better regency.

If the intelligence received by Colonel Raper of the supposed death of the young Rajah, and of the intention of the Ranee to impose a spurious boy in his place be confirmed, a new question will arise. It may be now briefly stated, that we can only acknowledge the legitimate successor, whoever he may be.

If the Rajah be still alive, a question must soon arise on the subject of his public appearance and future guardianship. It seems that after the Rajah reaches a certain age, the guardianship and rule of the Ranee properly terminates, and that the young Rajah ought to be brought forward in public Durbar and delivered over to the guardianship of one of the chiefs of the State, who then becomes Regent. If this be the law of the land, it would seem to be our duty to support it in concurrence with the chiefs of the State.

On the whole, it appears that there may be eventual causes of war with each of the three States mentioned. With Bhurtpore, if the succession of the Rajah Bulwunt Singh be opposed; with Ulwur, if our demand for the surrender of the persons accused of instigating the assassination of Newaub Uhmud Buksh Khan be continued; with Jyepore, if Jhota Ram be recalled and retained by the Ranee, in defiance of our remonstrances and demands.

Desirable as it undoubtedly is that our differences with all these States should be settled without having recourse to arms, there will not be wanting sources of consolation if we be compelled to that extremity.

In each of these States our supremacy has been violated or slighted, under a persuasion that we were prevented by entanglements elsewhere from efficiently resenting the indignity.

A display and vigorous exercise of our power, if rendered necessary, would be likely to bring back men's minds in that quarter to a proper tone; and the capture of Bhurtpore, if effected in a glorious manner, would do us more honor throughout India, by the removal of the hitherto unfaded impressions caused by our former failure, than any other event that can be conceived.

It does not seem to be necessary to assemble our force in a field array until it be proper to make use of it in consequence of the failure of our negotiations; for although the proximity of an army in the field would give great weight to our demands, it might also excite unfounded alarms, and cause hostile preparations, which would most probably terminate in war, from restlessness on both sides and impatience on our part.

We may try the effect of negotiation first; and if this should fail, we may consult our own convenience with reference to season, as to the time at which we are to enforce our demands, the facility of bringing together our means, and any other important considerations. But if no sufficient cause of delay intervene, it is undoubtedly desirable that the failure of our negotiations should be speedily followed by the enforcement of our demands.

[This paper was drawn up, at the request of Lord Amherst, in the autumn of 1825, when Sir C. Metcalfe was at the Presidency, on his way to Delhi, to take charge of our somewhat embarrassed relations with the petty neighbouring States. The policy which he recommended was adopted by the Supreme Government; and the capture of Bhurtpore and the submission of Ulwur were the results.]

MAHRATTA POLITICS.

[The following letter was addressed privately to the Political Secretary, with reference to some passages in a letter from Mr. Wellesley, who was then Resident at Scindiah's Court, suggesting the measures which he considered it would be expedient to pursue on the anticipated death of that Prince. The event, however, did not take place before the following March.]

Camp, Nov. 21, 1826.

MY DEAR STIRLING,—I have this instant received your letter of the 15th, with its enclosure from Wellesley, or rather an extract from a letter from him. It does not appear to me that the preparations and precautionary arrangements which he suggests are either necessary or desirable, until we see that we shall have to act. His recommendation seems to presuppose that the result of dissensions in Sindhiah's Court, after his death, would be a union of his whole army for the purpose of attacking us—a contingency which seems very improbable, as an effect from such a cause. We might make work for ourselves by stirring prematurely; and it strikes me that it would be better quietly to watch the course of events, and act as circumstances may require. Unless affairs take a turn which may compel us to interfere, for the defence of our own interests or the preservation of tranquillity where we are bound to preserve it, I do not see that we have any concern in what may take place at Sindhiah's Court. It is impossible to say that we may not eventually be dragged in by any commotion in any State in India, but we are as likely, I think, to cause it—*i. e.* our being

involved—as prevent it, by assuming an attitude of ostensible preparation. Should action eventually become necessary, the Nagpoor force is available, and might join the Saugur force in eastern Malwah. The Jalna force is perfectly disposable, and might join the force at Mhow. The Nusserabad and Neemuch forces might combine and form a respectable army in Rajpootana. These three armies might act, either separately or in union, for the execution of any measures which might become requisite in Malwah and Rajpootana. The troops in our own country might be directed from the Etawa or Agra frontier as might be expedient. Should such a state of things arise, and force us, who want only peace, to such extensive warlike operations, we should, I hope, secure a recompense. If a state of preparation for eventual early movements on so great a scale would, as doubtless it would, entail heavy expense, it will be best, I conceive, to avoid such preparations until we see that such movements cannot be avoided. We are beset by a strange fatality in India, if we cannot at any time remain undisturbed by the troubles of others. But it may be so, and the expected occasion may prove it.

Wellesley's plan of taking Sindhiah's districts in Malwah under our special protection, would infallibly involve us hereafter in interference at the Courts which may be established in succession to Sindhiah, in support of those who may have obeyed our injunctions. Our superintendence of those districts might, I think, be confined to strong recommendations to preserve peace, and suitable intimations that we would act against those who might disturb the tranquillity of those districts which we are bound to protect. Should such disturbance actually take place, we can then act as may be expedient. On the whole, it seems to me that our best policy, at present, is to look on quietly, and to appear to look on quietly. But on the occurrence of Sindhiah's death, should there be then reason to apprehend disturbances in Malwah, the Mhow force might be unobtrusively reinforced from the Bombay side in the first instance, as proposed by Wellesley, and if circumstances become more

threatening, by the Jalna force also. This, and the junction of the Nagpoor force with the Saugur division, and the co-operation of both armies, jointly or separately, would, I trust, give us an overwhelming force in that quarter. I do not, however, conceive that premature preparation is desirable.

I marched from Jyepore this morning. A new administration has been partially formed, in which we have had no concern, differing little, I fear, in essentials from the last. The exclusion of Jhota Ram and his brother Hookum Chund is pretended, but I doubt its reality. I nevertheless rejoice at our not having interfered.

*** In the preceding papers Sir Charles Metcalfe's official career is traced and illustrated, up to the time of his appointment to the Supreme Council of India. A few Miscellaneous papers and extracts, from public and private letters, are, however, subjoined, in further illustration of this, the first stage of his public life. One passage only among the private extracts (on the Affairs of Rajpootana) was written at a later period.

Miscellaneous.

THE COINAGE OF INDIA.

THE necessity of making some alteration in our coinage, which is imposed on the Government by the recent discovery of the frauds occasioned by the continuance of the old stamp on the new coin, seems to present a fit opportunity for reconsidering a question which has been before agitated: Whether it is advisable to continue to coin in the name of the late King of Dihlee, Shah Allum, or to substitute an inscription or stamp more appropriate to our own sovereignty?

The present coinage appears to be objectionable on the following grounds:

First. We disavow our own sovereignty, and coin in the name of a power which does not in reality exist.

Secondly. We coin in the name of a King of Dihlee dead and gone; thus neither asserting our own actual sovereignty, nor even paying the compliment to the nominal king, whom by other acts of our government we profess to acknowledge.

As far as the living pageant is concerned, we set aside his authority as much by using the name of his predecessor as if we put any other inscription on our coin; and it may be stated, on the authority of Sir David Ochterlony, that the king considers the present Furruckabad coinage as derogatory to his dignity;—more so, perhaps, than if the inscription were in a language which he would not understand, or less personally exclusive to him, by excluding also the name of his predecessor.

Thirdly. The present inscription on our coin imports that it is struck at the mint of Moorshedabad;—another fiction, the

meaning of which is, not only that we are incapable of coining in our own name, but that we are also unworthy of having a mint in our capital, and that the principal coin of the British Empire in India must issue from the provincial mint of the Newaub of Bengal, the nominal Viceroy of a nominal King.

Thus professing to acknowledge a living King without power, we coin in the name of a dead one, who, when alive, was equally powerless, and pretend to issue our coin from a provincial mint which does not exist.

And all these fictions we employ, apparently for no other purpose than to keep alive the recollection of a power which has passed away, and prevent the acknowledgment of our own supremacy.

If these objections are correctly stated, and worthy of consideration, it would at the first view appear that the stamp of the coin ought to be changed; but to such a measure there may be objections, and it is proper to consider what they can be.

The objections that might be urged against a change in the stamp of the coinage are perhaps either of a political or of a financial nature.

Politically, it may be said that we ought to continue to coin in the name of the dead King, from a regard for the feelings of our subjects.

Financially, that either the new or the old coin might be depreciated in consequence of any change in the inscription.

With respect to the first, or the supposed political objection, it can hardly be imagined that nine-tenths, or at least a great majority, of our subjects—the Hindoo population—can care about the continuance of the fictitious royalty of the Mahomedan dynasty; and admitting that the pride of our Mussulman subjects is nourished by it, neither does it seem to be necessary that we should succumb to their pride, nor does it appear politic to study to keep it alive.

Too much, perhaps, is admitted in allowing that the bulk of even our Mahomedan subjects care much about the stamp of our coin; and if it be true, as stated, that the Newaub of

Lucknow coins with his own stamp, it is a sufficient proof that we are upholding a nominal royalty which Mahomedan powers are ready to throw off. Tippoo's conduct long ago furnishes another ground for the same conclusion.

But, speaking generally, either the natives do attach consequence or they do not to the inscription of Shah Allum on our coinage. If they do, it is surely of importance that they should know without disguise who are their masters. If they do not attach consequence to that inscription, why should there be a difficulty about changing it?

With reference to the supposed financial objection, it seems to be very improbable that the new coin would be depreciated in consequence of a change in the inscription. Let the coin be good, and of the same intrinsic value. Let it be received at all the public treasuries at the same rate with the old sicca rupee, and it will immediately occupy the same place in circulation.

Neither does it seem probable that the old coinage would lose its value if it were to continue, as it of course would, to be received at the public treasuries at the same rate.

The present coinage bears the date of the year nineteen of the reign of Shah Allum.

It is probable that the original motive for maintaining a false date on the coin, and the name of a King defunct, in opposition to the practice of the country, according to which the name of the living King and the date of the passing year should appear, was a desire that our old and new coinage should be uniform, so as to mix together in circulation without any depreciation of one or the other.

If this was the motive, the rule was good, so far as it went, as long only as it was strictly observed. It is obvious that the slightest alteration destroyed the uniformity and defeated the purpose for which it had been maintained.

An alteration actually took place at the last coinage, when the size of the rupee was enlarged. It does not appear that, in consequence of this change, any depreciation of the old or new coinage has taken place; and it is remarkable that the

only mischief which has ensued has proceeded from our strictness in retaining precisely the old stamp, which, not filling up the enlarged space of the new rupee, has left an unoccupied border, which can be cut away so as to reduce the intrinsic value of the new coin, and at the same time give it the exact appearance of the old currency.

The original purpose of uniformity is, therefore, wholly lost, or only to be preserved at the risk of the depreciation of the whole of the old currency by the aid of the rogues who are busy in destroying the value of the new rupee.

It should be remembered that the slightest departure from uniformity is its complete destruction, and that as far as the uniformity of the old and new currency had any advantage formerly, that advantage has already been done away as effectually as if the form and inscription had been entirely changed.

It may be said that the present coinage answers all the purposes of currency, and that the people know us to possess the real power, therefore that any change is useless. The same observation might apply to all the forms and tokens of sovereignty in all countries, and by a parity of reasoning it would be unobjectionable to issue the coin of the British realm from the Mint of London in the name of the Emperor of Russia or Napoleon Bonaparte, because the Lord Mayor and Aldermen know that George the Third is king.

It is remarkable that coins of various kinds are issued at Madras—it may be so likewise at Bombay—with various stamps, excluding the inscription of the King of Dihlee. Why should not that take place at Calcutta which is unobjectionable at Madras?

It is still more remarkable that the Court of Directors have sent out to Madras a copper coinage stamped with the arms of the Company. It would be an offence to the dignity of the Honorable Company to argue that their arms may be good enough for copper, but will not do for silver and gold.

The advantages which might be looked for from a change of the inscription on the coin are these:

1. The assertion of our own sovereignty over British India, and the gradual extension over the minds of our subjects of those feelings which attach to the conviction of declared and acknowledged supremacy, combined with solid power.

2. The extinction of the nominal sovereignty of the Mahomedan dynasty for ever over our provinces, and the progressive abolition throughout India of the idea of its existence, which our example now mainly upholds.

It is probable that, in imitation of us, the Princes of India would soon coin, either in the name of their real sovereign, the British Government, or more probably in their own, which would be entirely unobjectionable within their respective dominions.

3. The increased difficulty of false coining.

The natives can easily imitate the present inscription on our coin, which is in the Persian character; but such would not be the case if the stamp were similar to that on English coins.

For instance, if a change were to take place, there might be on one side of the coin the King's head or the Royal arms, with the usual inscription, Georgius Rex, &c., &c.; on the other, the Company's arms, encircled by their motto, "Auspicio Regis et Senatus Angliæ." The intrinsic value of the coin might also be marked in Persian and Hindostanee or Bengallee characters.

Such a coin it would be much more difficult to counterfeit than the present, and the counterfeit would be much more easily detected.*

* This was written when Metcalfe was Political Secretary. Lord Hastings endorsed the original draft with strong expressions of approbation, declaring that the paper completely embodied his own sentiments on the subject.

PROPOSED RULES FOR JUNIOR CIVIL SERVANTS AFTER THE ABOLITION OF THE COLLEGE OF FORT WILLIAM.

Gentlemen appointed to the civil service of Bengal, as soon after their arrival in Calcutta as may be proper, with reference to the season of the year, shall be sent to stations in the provinces.

They shall there be placed under the control of civil functionaries.

They shall not be appointed to any office until they become qualified to enter on its duties.

Until declared qualified, they shall be examined, and the state of their proficiency be reported, every two months, by the civil functionaries of their respective stations.

During the period of probation, they may have such employment given to them by the functionaries under whose control they may be placed as may aid in qualifying them for the public service, subject to such restrictions as may be hereafter directed in regard to the nature and mode of employment.

The examinations to which they shall be subjected shall be conducted with a view to ascertain their qualification for public service, by a competent knowledge of the written and colloquial languages chiefly used in public business in the provinces in which they are to be stationed. A knowledge of the grammar of those languages will be requisite. Beyond which, a facility of conversing with the natives of the country, and of

reading, comprehending, and translating business papers, will be considered the proper test.

Every student is expected to become qualified for the public service within twelve months; and those who may not be qualified at the expiration of fifteen months will be removed from the service, according to the orders of the Court of Directors.

After qualification, each civil servant will be appointed permanently to an office in or beyond the provinces.

No one shall be appointed to an office in Calcutta until after three years' service away from the Presidency.

The salary of a civil servant, during the period of probation, shall be 300 rupees per month. After qualification, he shall receive the salary of the office to which he may be appointed, subject to the general rules of the service on that point.

Notwithstanding appointment to office, in consequence of reported qualification, every civil servant holding the rank of a writer shall be liable to removal from office if he be at any time ascertained to be disqualified by a want of competent knowledge of the requisite native languages. It shall be the duty of his official superior to report such disqualification to the Governor-General in Council, who will direct such further examination, and report as he may judge proper; and on proof of disqualification such person shall be reduced to the situation and subsistence-allowance of a servant out of employ, until he can recover the requisite qualifications.

The students at present attached to the College of Fort William who may not be declared qualified for the public service before the abolition of that institution, shall be subject to these rules, with the exception of that which relates to the period of removal from the service, on which point they will come under the separate order already issued, and of that regarding examination, with respect to which they shall have the option of being examined in the manner latterly customary in the College.

With regard to students who may arrive from England after the abolition of the College, the only admissible exemption

from any part of these rules will be in the cases of those who may have a father or other very near male relative residing in Calcutta, that will undertake to promote his acquirement of the necessary qualifications. In such cases the students may pass the time of probation with their relatives in Calcutta, subject to removal at the pleasure of the Government; but when qualified and appointed to office, must, like all others, proceed into the provinces.

Any student on his arrival from England may claim an examination, and if found qualified, will be appointed immediately to an office in the provinces.

Students arriving from England at a season when it may be deemed unadvisable to order their instant removal to the provinces, shall be placed under the control of civil functionaries at the Presidency, on the same footing as if stationed in the provinces, until the season of removal.

Cases of certified inability from sickness will be taken into consideration, in extension of the prescribed period of probation.

The time occupied in travelling by dawk to stations in the provinces will be allowed in addition to the prescribed period. Any other mode of travelling by land or by water may be made conducive to study, and need not obstruct it. The time, therefore, thus occupied will not necessarily be allowed, and will only be taken into consideration, according to circumstances, in cases which may appear to merit that indulgence.

MISCELLANEOUS EXTRACTS FROM PUBLIC PAPERS.

INSECURITY OF OUR POSITION IN INDIA.—"The plans constantly in the contemplation of the Government at home for the reduction of our military expenses in India, seem to be founded on the erroneous supposition that our Indian Empire is in a state of perfect security, that we have no dangers to apprehend from external enemies or internal disaffection, and that we may reduce our military force without fear of the consequent overthrow of our power.

"For those who take the preceding view of the state of India, it will be something new and unpleasant to learn, not only that our military force cannot be reduced without the danger, nay, the certainty, of the loss of our dominion, but, moreover, that we must considerably increase our military establishments, or expect the consequences which those rulers suffer who neglect to provide for the safety of the empires entrusted to them.

"Until the Government at home be convinced that our situation in India is beset with dangers, and that we have still to make further great exertions to secure our safety, there can be little hope that we shall long retain the dominions that we have acquired.

"Our situation in India has always been precarious. It is still precarious, not less so perhaps at the present moment, by the fault of the system prescribed by the Government at home, than at any former period. We are still a handful of Europeans governing an immense empire without any firm hold in the country, having warlike and powerful enemies on all our

frontiers, and the spirit of disaffection dormant, but rooted universally among our subjects.

"That insuperable separation which exists between us and our subjects renders it necessary to keep them in subjection by the presence of a military force, and impossible to repose confidence in their affection or fidelity for assistance in the defence of our territories."—[*December*, 1814.]

THE NATIVE ARMY.—"It may be observed that the tried services and devotion of our Native Army furnish a proof to the contrary of the preceding assertion. Our Native Army is certainly a phenomenon, the more so as there is no heartfelt attachment to our Government on the part of our native troops. They are, in general, excellent soldiers, attached to regular pay, and possessing a good notion of the duty of fidelity to the power which gives them bread. There is no reason to apprehend their general defection as long as we continue tolerably successful. But if the tide of fortune ever turn decidedly against us, and any power rise up able to give good pay regularly, and aware of the use to which such an instrument may be applied, there will then be a general proof afforded of that want of real attachment in our Native Army of which at present numbers of persons are not convinced."—[*December*, 1814.]

COLONISATION.—"It is impracticable, perhaps, to suggest a remedy for the general disaffection of our Indian subjects. Colonisation seems to be the only system which could give us a chance of having any part of the population attached to our Government from a sense of common interests. Colonisation may have its attendant evils, but with reference to the consideration above stated, it would promise to give us a hold in the country which we do not at present possess. We might now be swept away in a single whirlwind. We are without root. The best affected natives could think of a change of government with indifference, and in the North-Western Pro-

vinces there is hardly a man who would not hope for benefit from a change.

"This disaffection, however, will most probably not break out in any general manner as long as we continue to possess a predominant power, and it has only been alluded to as one source of weakness, and a necessary object of attention in the consideration of our situation."—[*December*, 1814.]

RESULTS OF THE FIRST MAHRATTA WAR.—"It was not the natural consequence of the Mahratta war that our power should be in a precarious state. The war was replete with advantages, and a perseverance in the same policy which guided us through that war would have saved us from our present difficulties. Some reverses checked the progress of our arrangements, and finally the abandonment of the policy on which the operations of the war were conducted rendered its success incomplete, and left to be accomplished at a future period what ought *then* to have been accomplished, and *must* be accomplished before we can consider our power to be in a state of security. It was the abandonment of the policy which would have settled all India; it was the retrograde movement made at the end of the Mahratta war; it was the system pursued since that period, according to orders from home, that brought about the existing dangers. Without discussing these questions minutely,* it is evident that since the Mahratta war powers have risen up, and gained strength, which did not exist before in any formidable state, and that our territories are in contact, and our interests clash with those of several of these powers that must be regarded as enemies. The increase of our force has not been proportionate to the increase of territory to be defended, and embarrassments to be encountered."—[*Dec.*, 1814.]

EXTENSION OF TERRITORY.—"According to the system prescribed for our conduct in India, we are bound to be horror-

* The reader will find them discussed in the first paper of the series, "Policy of Sir George Barlow."

struck at the bare idea of an increase of territory. Yet, unless we can raise additional resources in our present dominions, it is only by an extension of territory that we can obtain an increase of revenue for the support of our necessary expenses.

"It may be objected to an increase of territory, that it is often attended with an extension of embarrassments, leading to an increase of expense beyond the amount of the additional revenue. It is sometimes so, and sometimes otherwise, according to circumstances. If by the extension of territory a State extend its frontiers, and come in contact with warlike powers with whom it never clashed before, then an increase of territory may become a source of such expense as will absorb more than the additional revenue derived from the addition of territory.

"But if the extension of territory improve the frontier—that is, render it more defensible—if it make dominions less divided and more compact—if it unite distant parts of territories and relations, and establish communications between points before unconnected—if it make the whole of the forces and resources of a State more available and more easily to be brought together to any given point, then an increase of territory, so far from being attended necessarily with an increase of expense, might enable a State to reduce its former expenses, and would, at all events, give an accession of strength, and afford payment for an addition of military force, without bringing on any concomitant source of weakness.

"The preceding observations apply retrospectively and prospectively to our situation in India. We have made acquisitions of territory, such as those described under the first supposition, as the present extent of our frontier, combined with the multiplicity and perplexity of our foreign relations, will show."—[*December*, 1814.]

IMPOLICY OF A WAR WITH SIND.—"Few things can be conceived more impolitic than a war with Sind. Not to speak of the expenses of such an undertaking, its unprofitableness if successful, and the chances of failure inseparable from all

human enterprises, it is necessary to observe, that even the most prosperous result of a war with Sind would tend to involve us in disputes, jealousies, enmities, intrigues, and negotiations in the countries beyond the Indus, and might lead to incalculable embarrassments. A war, therefore, the very success of which would be injurious, it behoves us most studiously to avoid.

"We may be destined, and may be eventually forced, to burst beyond the Indus, and establish ourselves in countries with which at present we have no connexion; but it is incumbent on us to try to avoid such an issue by all means consistent with our honor. Our policy clearly is to confine ourselves to the consolidation of our power within its present sphere, and to avoid being entangled in the politics of new regions."—[*From a Paper written in* 1819 *or* 1820.]

DIFFICULTY OF DEALING WITH THE SINDHIANS.—"In negotiation or contest with such a power as Sind, we are sure to be misunderstood. They think now that we have designs upon their country. They will be confirmed in that belief if we go to war with them. If we retire from that war without exacting an indemnity for our expenses, the motives of our forbearance will be misunderstood and misrepresented. The results of our enterprise will be considered and described as a failure, and attributed to a fear of those powers whom the Sind Government may have excited, or will affect to have excited, against us. It is necessary, therefore, that if provoked to war, we should make them feel our power, for we should never gain credit for our moderation; and it would be desirable, in this point of view, to keep all or a part of their country, were it not that it would be extremely impolitic to extend our territorial possessions in that quarter.

"If Sind were an external state of India, such as Sindhiah's, for instance, our course would be clear. We might make our demand, and if it were not agreed to, we might send an army and prosecute hostilities until our terms were submitted to; if

necessary, we might keep a whole or part of the country, and the acquisition would not involve us in any new difficulties. But as the extension of our power in Sind would decidedly bring upon us a multitude of new embarrassments, it is our duty steadfastly to avoid every connexion with that country—above all things a war, which is likely to lead to the worst kind of entanglement."—[*Ibid.*]

A WAR WITH SIND OBNOXIOUS TO THE HOME GOVERNMENT.—"There is another point of view in which this question should be considered. The Government of India has to report its proceedings to a superior power. It must not only act rightly, but it must act so that its measures shall seem right to higher authority. We may be sure that a war with Sind would be greatly deprecated by the Government in England, which would not be pleased to see precipitation in preparations having a tendency towards so undesirable an event. If an eventual war with Sind be inevitable, it is, nevertheless, a duty which our Government owes to itself to show that every effort has been made to avoid it, which will not be conceived if we begin with preparations for an invasion of Sind."—[*Ibid.*]

EVILS OF EXTENSION TOWARDS THE INDUS.—"Our policy is against a war with Sind, or any extension of our engagements in that direction . . . . Before the events of 1817-18, we had two sets of boundaries in India, which might be termed our *exterior* and *interior* boundaries. Our dominion was in shape similar to a horse-shoe. The space within the horse-shoe has been filled up by our power. The advantage already visible is immense. We have got rid of the dangers on what were our interior frontiers. These frontiers no longer exist. The prodigious increase which those events have given to our strength on our interior boundaries will be manifest hereafter. But we require time to consolidate our power in the space which we have occupied in consequence of those events. Nature and fate perhaps decree that we cannot remain stationary. But before we advance let us wait for the fulness of time."—[*Ibid.*]

[These last extracts are made from the draft of a paper, drawn up in 1819 or 1820, for Lord Hastings, when Metcalfe was Political Secretary. A party of Scindians, on their way through Cutch to Bombay, had been attacked by a body of our people in pursuit of plunderers; in revenge for which the Scindians devastated a village in Cutch. This affair well-nigh occasioned a war between the English and the Scindian powers; but the amicable councils, fostered by Metcalfe, which prevailed at Calcutta, averted hostilities for a time. He lived, however, to see and deplore the rupture which subsequently converted Scinde into a British principality.]

MISCELLANEOUS EXTRACTS FROM PRIVATE LETTERS.

REGULAR AND IRREGULAR TROOPS.—"I think irregular troops most useful—most necessary at times; better than regulars, and always less expensive. I think that we have too few of them, and ought to have more. I am sure that we shall have more whenever we have anything to do, and that we shall then repent of having disbanded those we had. I think it very wrong to raise corps one year and to turn them adrift in the next. From what I have said, you will guess that I had no concern in our late reductions here. Indeed, I raised my feeble voice to procure further consideration to the question, but it was not heard; and I was provoked to see that those who pressed these reductions the most, did not do so because they thought we could spare troops, but because they thought a reduction of the irregulars would lead to an increase of the regulars. I am for every increase of the Army that our finances will bear, and all my notions of Indian politics begin and end in a powerful and efficient Army. But Irregulars must, I imagine, be a con-

firmed part of our system; and I do not like dismissing any class of soldiers that have done their duty to our satisfaction."—[*October* 14, 1819.]

"LORD CORNWALLIS'S SCHOOL."—"I am perhaps singular in thinking that reductions might be made with success in all branches of our civil administration. The axe should be laid to our judicial system. Our revenues might be improved. Our civil expenses reduced. But nothing of this kind will be done as long as the caste of Bengal councillor shall remain unchanged—so cautious, so devoted to precedent, so fearful of alteration. At all events, Lord Cornwallis's School must first wear out, who think that all perfection is in the regulations of 1793."—[*October* 14, 1819.]

MILITARY MEN IN CIVIL EMPLOY.—"If you do not remain, and I succeed you (in Central India) as at present thought of, I should wish all your hands to remain on every account. I have no thought of introducing young civilians. Young or old, they would not be fit for the work. I would always wish to deal with military men. I was born in the Bengal Army. Most of my friends are in it, and I have, from circumstances, associated more with military than with civil officers since I came to India, so that I should enter on a field bringing me in contact with the Army with much confidence of harmony and good fellowship, though I am 'a d——d civilian,' as poor old Lord Lake used to call us."—[*To Sir John Malcolm, June* 4, 1820.]

REFORM OF OUR SYSTEM OF GOVERNMENT.—"As to a general reform of our system of rule, that question has always appeared to me as hopeless. Our rulers at home and councillors abroad are so bigoted to precedent, that I never dream of any change unless it be a gradual declension from worse to worse. I have, therefore, no settled speculations on that head, and

what I have are wild and undigested. In the first place, every Company's servant should come out a cadet. There should be no separate civil service. Men should be selected for civil duties according to fitness, remaining soldiers nevertheless. Our present Bengal judicial system should be knocked on the head. Revenue, ditto. Some mode should be discovered of upsetting, with justice, the Permanent Settlement in all its parts —the most sweeping act of oppression ever committed in any country, by which the whole landed property of the country has been transferred from the class of people entitled to it, to a set of Baboos, who have made their wealth by bribery and corruption in the management of our provinces. Similar injustice has made rapid progress in the Ceded and Conquered Provinces, owing to the abominable system of selling proprietary rights for arrears of revenue. Dihlee is the only portion of the Bengal territories where the rights of the real proprietors or hereditary occupants—the village cultivators—have not been invaded by our nefarious regulations, the whole code of which, being founded on ignorance, ought to be destroyed. To return to my speculations. Revenue and judicial, and, when practicable, military powers also, should be exercised by the same person: union, not division, should be the order of our rule. Confidence, not distrust, should be the engine to work with. An efficient and sufficient army (much greater than our present one if we could pay it) should support and, if forced into war, extend our powers. Strict economy in everything else should go as far as possible to the payment of the army. Colonisation, without being forced or injudiciously encouraged, should be admitted without restraint."—[*June* 29, 1820.]

NATIVE AGENCY.—"I return Briggs's letter. He has touched on a vast subject. Shall we ever contrive to attach the native population to our Government? and can this be done by identifying the interests of the upper classes with our own? Is it possible in any way to identify their interests with ours? To all three questions, if put to me, I should answer

'*No.*' . . . . . Is it true that such a host of fine fellows as 'Sir John Malcolm, Mr. Elphinstone, Sir Thomas Munro, and Sir Edward Colebrooke are united in the same opinions?' If they were, it would be almost treason to dispute them. But what are their opinions? and are they capable of execution? It is not enough to say, 'Give the natives large pensions and large estates.' What is to pay our army if we alienate our revenues? Could we dispense with our army and trust to support of the upper classes? God forbid that we should try the experiment!

"I confess that I distrust Native Agency. There is no such being, I feel perfectly sure, as an honest Native Agent from Cape Comorin to Cashmere, and they who confide in them are sure to be deceived. But we must make use of them, for we can seldom do without them; and they have a right to kind, respectful, and gentlemanlike treatment.

"Mr. Chaplin is not the only civilian who is a friend to the Punchayut system. I am a passionate admirer of it, and wish to see all the judges in the land sent to the right about.

"My general creed is confined to two grand specifics, 'Army and Colonisation'—the last, because in my mind it affords the only chance of our having in time a population of interests identified with our own. I would give up Colonisation, because its success is not to my mind infallible, if I were sure that our Army would always be faithful; but drawn as it must be from a disaffected population, it is wonderful that its feeling is so good, and it is too much to expect that it will last to eternity. When I say that I would give up Colonisation, I merely mean as a system of salvation. I would never agree to the present laws of exclusion with respect to Europeans, which are unnatural and horrible to my fancy."—[*September* 7, 1820.]

THE MUTINY AT BARRACKPORE.—"News has come from Calcutta—you have already seen it in the papers—of the blackest hue and the most awful omen, such as for a time must necessarily absorb all the faculties of a man anxiously alive to the

dangers which beset our empire in India. I allude to the mutiny at Barrackpore. A regiment of Bengal Sepoys, ordered to Chittagong to form part of an army to be opposed to the Burmans, refuses to march, separates itself from its officers, turns the major-general of the station off the parade, quits its lines, marches to the race-course with forty rounds in pouch, and there threatens to resist any attempt to bring them to order! All expostulation failing, two King's regiments which happen by chance to be within call, the body-guard and the artillery, are brought against them. The mutineers refuse to lay down their arms, are attacked, make no resistance, and flee. About 70—at first said to be 450—are killed on the spot. Six more (vide *Gazette*), I have heard, have since been hanged; others brought in prisoners and in chains in the fort. About 100 taken prisoners in the first instance. Now what does this mutiny proceed from? Either from fear of our enemy, or from disaffection to our Government. The Sepoys have always disliked any part of Bengal, and formerly no corps marched thither from the Upper Provinces without losing many men by desertion. They detest the eastern part of Bengal more than the western; and the country beyond our frontier they believe to be inhabited by devils and cannibals; the Burmans they abhor and dread as enchanters, against whom the works of mere men cannot prevail. What does all this amount to in brief but this—that we cannot rely on our Native Army? Whether it be fear of the enemy or disaffection towards us, they fail us in the hour of need. What are we to think of this, and what are our prospects under such circumstances? It is an awful thing to have to mow down our own troops with our own artillery, especially those troops on whose fidelity the existence of our empire depends. I will hope the best. We may get over this calamity. It may pass as the act of the individual mutineers. The rest of the army may not take up their cause. A feeling may be roused to redeem the character thus lost. But we shall be lucky if all this turn out exactly so; for there is no doubt that the feelings which led to the mutiny were general. Open mu-

tiny, indeed, was not confined to the 47th: 200 of the 62nd seized the colors of their corps and joined; 20 men of the 26th seized one color of their corps and joined the mutiny. What were the rest of the regiment about if twenty men could commit this audacious outrage? The whole business is very bad; and we shall be very fortunate if it lead to nothing more. But we are often fortunate; and the mind of man is an inexplicable mystery.

"Sometimes these violent ebullitions of bad feeling are succeeded by good conduct; let us hope that it may be so in this instance; and let us take warning not to rely so entirely on one particular class of troops. More officers, more European regiments, and a greater variety in the composition of our force, seem to be the only remedies in our power to counteract the possible disaffection of our Native Infantry; and whether our resources will enable us to carry these remedies to a sufficient extent is doubtful. Enough of this for the present. It is the most serious subject that could have roused the anxiety of those who, like myself, are always anxiously alive to the instability of our Indian Empire."—[*November* 19, 1824.]

ALLOWANCES OF THE HYDERABAD RESIDENCY.—"I must bid adieu to the hope of ever seeing you at Fern-hill. I shall clearly not have the means of occupying that place creditably, if ever I go home; and I never shall go home until some urgent necessity may compel me. By a minute examination of my accounts, I have ascertained that I have been spending much more than my allowances ever since I came to Hyderabad, of which I was not before aware. The following is the result, carefully produced by actual calculation, after every possible deduction. From 1st September, 1820, to 30th April, 1824:

	Sicca Rupees.
Average Monthly Expense . . .	10,220
Monthly Income	8,053
Monthly Excess of Expenditure . .	2,167

The worst is, that I see no remedy for the future. My present plan is to send home what money I have, to be secured there for my children, and to stay in India myself as long as I have health and faculties. If the reports of my coming into Council be confirmed, I may be driven home at the end of my term, for I should not like to descend to serve again in the crowd after forming a part of the Government. With these prospects, it will be a relief to me to find that I am left undisturbed at Hyderabad. And it will be a relief to me to find that I am not to be separated from my friends in this quarter."—[*December* 6, 1824.]

IRREGULAR HORSE.—[TO LORD AMHERST.]—"The kind allusion made by your Lordship in your favor of July 1, to the order of Government regarding the gradual reduction of our Irregular Horse, encourages me to submit your attention to a part of that order which seems calculated to destroy the effect of your intended indulgence, to ruin the efficiency, and crush the spirit of all the troops employed in that branch of our establishment.

"I advert to that part of the order which provides that every trooper shall be discharged whose horse may die, or be disabled, or in any way become unfit for service.

"One consequence of this clause is, that the service becomes so extremely precarious as unavoidably to lose all hold in the attachment of the men. No one can reckon on his livelihood for a day. His horse may be killed or disabled by any accident, or die by sudden disease, and the provision to which the trooper heretofore confidently looked for his support will instantly cease.

"Another consequence is, that no man can be expected to perform his duty. Any exertion of his horse may tend to an accident which will deprive the rider of his bread. The object of the latter of course will be to save his horse, and duty will necessarily be neglected.

"Another consequence is that the best men in the service are as liable to discharge as the worst, the oldest soldiers equally

with the youngest. It has already occurred since the issue of the order that men who have been repeatedly wounded in the service, and whom it could never have been your Lordship's intention to dismiss, have been discharged in consequence of the death or disability of their horses.

"The effect of this part of the order on the Irregular Cavalry must be so universally detrimental and destructive, that I doubt whether the immediate reduction of that body to the intended peace establishment would not be less injurious.

"If, however, this part of the order were revised and rescinded, the continuance of a gradual reduction would, I conceive, be far preferable to one sudden and immediate; but the gradual reduction ought to take effect as men die, or retire, or render themselves liable to discharge, and not be dependent on the lives or deaths of horses; for it cannot be so without the greatest injury to the efficiency and spirit of the whole corps.

"I am confident that your Lordship will not be displeased at the freedom with which I have offered my sentiments on this most interesting subject. The Irregular Horse have done their duty well, and shown a good spirit, and seem to be as well entitled to consideration as any other part of our army.

"I am very happy to learn that your Lordship has determined to visit the Upper Provinces. I think that you will derive both health and pleasure from the journey, and that your presence will be highly beneficial.

"I had projected an excursion into Rajpootana and the south-westernmost parts of my superintendence, which was to have commenced in October, and was likely to occupy from two to three months. I am doubtful, however, now, whether I ought to postpone it until I have paid my respects to your Lordship in these provinces, or undertake it in the first instance and pay my respects to your Lordship afterwards. On this point I beg your commands.

"I conclude that the arrival in England of intelligence of the honorable termination of the Burman war, and of the capture

of Bhurtpore, will put an end to the discussions at one time agitated respecting the nomination of your Lordship's successor. The support which your Lordship has received from his Majesty's Ministers is no less honorable to them than to your Lordship, for it proves them to have been above being influenced by the clamor to which the peculiar difficulties of the Burmese war gave rise."—[*August* 6, 1826.]

EFFECTS OF THE SIEGE OF BHURTPORE.—"I had the pleasure lately of making acquaintance with your son, who came as an amateur to the siege of Bhurtpore. I congratulate you on having such a son, and I also congratulate you on an event which has confounded the notions entertained by all India, of the existence of a barrier from which we might be insulted with impunity. By the fall of Bhurtpore, and the peace with the Burmans, our power is at a higher pitch than it ever attained before; and if the peace with Ava prove secure and lasting, and we have time to recruit our finances, we shall soon be in a more prosperous state than in the most boasted periods of former days. But I fear that our hold on India is at the best precarious, and that we must always be prepared to struggle for the preservation of the power which we have acquired and now maintain solely by military prowess."—*To Sir G. Robinson, April 24th*, 1826.]

APPOINTMENT TO THE SUPREME COUNCIL.—"I have received, and for the most part at the same instant, your kind letters of 5th and 11th April, in triplicate. To Mr. Majoribanks and yourself, and the other gentlemen of the Direction who have done me the honor to promote my provisional nomination to Council, I must ever be under the deepest obligation. But as I know not who opposed the proposition, or who were absent from the decision, I am equally ignorant as to who gave me their support; your letters being the only communications that I have received from the India House.

I regret that even one should deem me unworthy of the appointment; but perhaps I ought rather to consider it fortunate that the minority was so small. To you, my dear Sir, who have shown so generous an interest in behalf of a stranger, how can I sufficiently express my thankfulness? I will venture to assure you, that as a member of the Government, the faithful discharge of my duty to the Company shall be the paramount motive of my conduct. I replied some months ago to your obliging favor of last September."—[*To Sir G. Robinson, September 24th*, 1826.]

AFFAIRS OF RAJPOOTANA.—NON-INTERFERENCE, &c.—"The disturbances in Joudpoor and Kishengurh are bad symptoms of the results of non-interference. There has probably been mismanagement on the part of our agents; perhaps an unnecessary or even malevolent bawling out of non-interference, which may have led to the present state of things. The toleration of Kuleean Singh's remaining at Dihlee when his country was thrown into confusion by his attempt to subdue his independent dependants is utterly unaccountable, and is a proof of gross neglect. Something of the same kind seems to have prevailed in allowing the Joudpoor Thakoors and Dhokul Singh to assemble and unite in the Jyepore territory, for which the Jyepore State ought still to be called to account. Yet the disturbances are in both cases essentially internal, and apparently proceeding from our non-interference in internal affairs. Do not suppose that I am ready to abandon that principle. On the contrary, I am of opinion that it has never yet had a fair trial; and I shall be without chart or compass if it be abandoned. But it must be owned that we have been very unfortunate. The contemptible imbecility of Kuleean Singh of Kishengurh, and the oppressions and treachery of the Rajah of Joudpoor, have caused these disturbances. I shall be glad if the latter can get himself out of the scrape which he has brought on himself; but if he calls for assistance, and submit his differences

with his chiefs to our arbitration, we shall be by treaty bound to aid him. Not that protection in such a case was contemplated when the treaty was framed, but its terms will hardly admit of our allowing him to be overthrown, although he is bound certainly in the first instance to defend himself. How contact with us seems to paralyse every State! Maun Singh was formerly able to keep what he had usurped, even against powerful combinations. Now, seemingly, he cannot stand against a few of his own chiefs, having on their side the name and person of the pretender. With respect to Kishengurh, if the Rajah do not acknowledge and fulfil his responsibility for the acts of his rebels as well as his followers, we must interfere between him and the former, and put an end to all disturbances in that petty State. You apprehend the spread of anarchy in consequence of these disturbances. It may be so—and nothing is surprising in India—but it will certainly be hard if we are to be involved in general commotion because two Rajpoot Rajahs quarrel with some of their chiefs. It will be a great blow to non-interference. It will be a proof that we have either gone too far, or not far enough, in our superintendence of Central India. My opinion has always been that we have gone too far, and that we ought not to have posted our troops there. I remember the time when I could sit at Dihlee and hear accounts of disturbances throughout Rajpootana and Malwah, without our being in the least affected by them; and after we had put down the Mahrattas and Pindarees, and made our general treaties of alliance and protection, we should have done better, I think, had we posted our troops in a noble army on the Jumna, and interfered only on great occasions, when the cause might be worthy of us, leaving the several States to manage their concerns in general without us, forbidding, of course, any aggressions of one on another. This, however, is a new field of discussion, on which it is now useless to enter. You may be sure that I look to your quarter with no small anxiety, for I consider myself the only advocate of non-inter-

ference on principle—the only advocate, I may say, of any principle of policy; and if this principle be wrong, I have led the Government into it. I wish that I had agents whom I could rely on in carrying it into execution. Llike the little that I have seen of our new Governor-General very much. He is a straightforward, honest, upright, benevolent, sensible man, who will, I trust, have the interests of the State at heart. He seems disposed to inquire and think for himself, and to avoid falling under any one's influence. I do not perceive that he has any fixed principles to regulate his Indian policy, and I can fancy, that if he should take a wrong view of my subject, he may be apt to persist in error; but on the whole I hope well, and am pleased with what I see."—[*July* 22, 1828.]

PART II.

Indian Council Minutes.

MACHINERY OF INDIAN GOVERNMENT.

[1827—1836.]

[The papers contained in this section are those written by Sir Charles Metcalfe, after taking his seat in the Supreme Council of India, up to the period of his final departure from the country. Principally written in the official form of Minutes for perusal by his colleagues, and for subsequent record on the Proceedings of the Council, they have been arranged under several heads, according to the department of Government to which they relate. I have prefaced them, however, with some general remarks on the condition of our Indian Empire and the machinery of its Government, written, apparently, not for official record, during the discussions preceding the passing of the Charter-Act of 1833. They contain a fair summary of the general views of the statesman, and serve as a key to much that follows. In some respects it will be seen that the suggestions which this paper contains have already been adopted by the Legislature; but a great portion of it is still applicable to the present state of affairs, and suggests matter for future consideration.]

. . . . WHAT will the nation gain by taking India out of the hands of the Company? An addition of forty millions to the national debt, and a territory that cannot pay its expenses.

Yet, no purse but that of the nation will be able to support this expensive concern; for that of the Company cannot, after

the loss of the China monopoly; and, in fact, has only done so hitherto by borrowing.

Borrowing cannot go on for ever; and an attempt to make India pay its own expenses, under all circumstances, might cause the loss of the country.

Our hold is so precarious, that a very little mismanagement might accomplish our expulsion; and the course of events may be of itself sufficient, without any mismanagement.

We are to appearance more powerful in India now than we ever were. Nevertheless, our downfall may be short work. When it commences it will probably be rapid, and the world will wonder more at the suddenness with which our immense Indian Empire may vanish, than it has done at the surprising conquest that we have achieved.

The cause of this precariousness is, that our power does not rest on actual strength, but on impression. Our whole real strength consists in the few European regiments, speaking comparatively, that are scattered singly over the vast space of subjugated India. That is the only portion of our soldiery whose hearts are with us, and whose constancy can be relied on in the hour of trial. All our native establishments, military or civil, are the followers of fortune; they serve us for their livelihood, and generally serve us well. From a sense of what is due to the hand that feeds them, which is one of the virtues that they most extol, they may often display fidelity under trying circumstances; but in their inward feelings they partake more or less of the universal disaffection which prevails against us, not from bad government, but from natural and irresistible antipathy; and were the wind to change—to use a native expression—and to set in steadily against us, we could not expect that their sense of honor, although there might be splendid instances of devotion, would keep the mass on our side in opposition to the common feeling which, with one view, might for a time unite all India from one end to the other.

Empires grow old, decay, and perish. Ours in India can hardly be called old, but seems destined to be short-lived. We appear to have passed the brilliancy and vigor of our youth,

and it may be that we have reached a premature old age. We have ceased to be the wonder that we were to the natives; the charm which once encompassed us has been dissolved, and our subjects have had time to inquire why they have been subdued. The consequences of the inquiry may appear hereafter.

If these speculations are not devoid of foundation, they are useful in diverting our minds to the contemplation of the real nature of our power, and in preventing a delusive belief of its impregnability. Our greatest danger is not from a Russian invasion, but from the fading of the impression of our invincibility from the minds of the native inhabitants of India. The disaffection which would willingly root us out exists abundantly; the concurrence of circumstances sufficient to call it into general action may at any time happen.

The most obvious mode of strengthening our power in India would be by a large increase of our European force; but as we could not find funds for the consequent expense, that measure is impracticable.

Whether we maintain or lose India, does not depend on its being governed in the name of the King or in that of the Company; our fate most probably will be the same either way; but as long as we retain possession, we are bound to do all the good in our power to our subjects. Although the hope of gaining their attachment may be utterly vain, we may often mitigate and neutralise their disaffection; and by the longer continuance of our rule, that feeling may be less predominant, as seems already to be the case in our oldest possessions, where the inhabitants have been habituated to our government for more than one generation. Even, however, under a certainty of permanent disaffection, our duty towards the governed is the same. We are bound to give them the best government in our power.

Will India, then, be best governed by continuing the channel of the Company, or directly by the Ministers of the Crown?

As concerning the native population of India, it seems to be a matter of indifference, for whatever improvements can be introduced into our local administration, may be equally effected

in the one case or the other. Even now, India on all great questions is governed by the Board of Control. Any obvious improvement could be introduced if it did not violate the Company's Charter; and it would only be necessary in the new charter to take care that no stipulations were admitted which might preclude the power of improvement.

Although it seems to be a matter of indifference to the native population whether India be governed through the Company, or directly by the Ministers of the Crown, it is not so to another class of subjects.

The Europeans settled in India, and not in the Company's service, and to these might be added generally the East Indians of mixed breed, will never be satisfied with the Company's Government. Well or ill founded, they will always attach to it the notion of monopoly and exclusion; they will consider themselves comparatively discountenanced and unfavored; and will always look with desire to the substitution of a King's Government. For the contentment of this class, which, for the benefit of India and the security of our Indian Empire, ought greatly to increase in numbers and importance, the introduction of a King's Government is undoubtedly desirable.

It is also desirable on another account. The existence of King's Courts and a Company's Government produces the appearance of disunion in our administration. The relative positions of the Courts and the Governments are misunderstood, or are not what they ought to be. The judges themselves seem to conceive—indeed, in some instances have openly declared—that they are here purposely to check and control the Company's Government, and that they are above the Government, which can only approach their high tribunal as an humble petitioner. This state of things does not exist in any other country. Everywhere else the Courts of Justice, even where perfectly independent, as they ought to be, in their judicial decisions, regard themselves as forming a part of the general administration of the country. Nowhere else would they dream of bringing the Government of the country into con-

tempt for their own exaltation. This assumed superiority of the King's Courts is encouraged and insisted on by the European population not in the Company's service, and a wrong feeling on the subject will always exist until the difference of King and Company be abolished by the introduction of a Royal Government.

The present difference between the King's and Company's armies is another inconvenience which the establishment of a Government directly on the part of the Crown would obviate. This difference is disliked chiefly by the King's officers serving in India, who see those of the Company in possession of all Staff offices, excepting the few belonging exclusively to the King's troops; and are also precluded from numerous advantageous and honorable employments in civil branches of the service which are open to Company's officers. It is just that it should be so, while the two armies are constituted as at present, and entirely separate; but if an amalgamation could take place without injury to either party, it is desirable that such distinctions should cease, and the establishment of a King's Government would tend to produce that effect.

A King's Government is also the one which is most likely to be permanent, as the Company's hold under a charter must be liable to periodical changes and reversions, whether for renewal or subversion.*

These are the reasons which occur to the mind in favor of the introduction, ostensibly as well as really, of a King's Government; and on the other hand, there do not appear to be any reasons of a permanent character in favor of the continuance of the Company's Government, as far as India alone is concerned. But, in the first instance, the natives, perhaps, distrusting the consequences of the change, would rather prefer

* At a later period of his life, Sir Charles Metcalfe, with a greatly enlarged knowledge of European politics, saw occasion to modify the opinion here expressed in favor of the government of India directly by the Crown. Government by the Crown is in reality government by a parliamentary majority, and Sir Charles Metcalfe used to say, that if that were applied to India our tenure of the country would not be worth ten years' purchase.

the continuance of that government to which they have been accustomed. And, as has been before remarked, every improvement in local administration may be effected through the medium of a nominal Company's Government, as well as through any other form.

On the whole, the King's Government seems preferable; but whether the government be King's or Company's, the prospect of improvement is not flattering.

The revenues of India are not equal to the support of its expenses, and, judging from past experience, are not likely to become so. We may, and we must, reduce our ordinary expenditure within our income; but we have a heavy debt to discharge, and we have no security against future wars, which must increase our financial difficulties. There is little hope of a permanent reduction of establishments; there is a continual tendency to increase. Some branches of revenue are likely to fall off; there is no satisfactory assurance of great increase in any others. The Sea Customs, now exceedingly low, are susceptible of improvement, but it can only be by levying higher duties on the trade with Europe, to which the merchants of England would object. There is, indeed, the remote prospect of increase of revenue from the increased influx of Europeans; but this is at present speculative; and whether an increase of revenue or an increase of expense from more expensive establishments will be the result of an extension of the European population, is uncertain.

It is, therefore, to be apprehended that the Government will not possess the power of reducing taxation, as it will hardly have the means, with its present revenue, of supporting its expenses. The former may be the less regretted, as the effect of reducing taxation in any shape in which it would have to be accomplished, is far from certain. The only branch of our taxation that can be called excessive is the Land Revenue, the chief resource that maintains the State. A reduction in this, justly apportioned, would contribute to the comfort of the mass of our subjects, the village population, but would not make them

wealthy. If apportioned without great care and strict regard to justice, it would not even promote their comfort, but would most probably do them injury. That reduction, however, whatever would be its consequences, we are not in a condition to afford. Our Government is not a national Government that can rely on the affections of its subjects for defence against foreign invasion. It is the curse of a Government over a conquered country that it cannot trust the people. Our subjects are internal enemies, ready at least for change, if not ripe for insurrection; the best affected are passive votaries of fate. We can retain our dominion only by a large military establishment; and without a considerable force of British troops, the fidelity of our native army could not be relied on. It would be difficult to calculate what force precisely is requisite; it is easy to see that, for security, we have not too much. It seems that we ought to maintain all that we can pay, and to pay them we require all the revenue that we can raise. A reduction of taxation for any beneficial consequence appears to be hopeless.

No government, perhaps, ever made a greater reduction of taxation, or, in other words, a greater sacrifice of the right to acknowledged and usual public revenue, than did the Bengal Government respectively in 1793, in what was termed the permanent settlement of the land revenue. But what was the consequence of this sacrifice? It did not benefit the mass of the population interested in land. On the contrary, it practically destroyed their rights. It only transferred the revenue of government to serve individuals who had no title to it, without any beneficial effect on the public interests, as far as is perceptible to common observation.

If reduction of taxation, and improvement as its consequences, are not to be expected, from what other quarter may improvement be looked for? From none, suddenly. It is to be hoped that our Government is gradually producing improvement: that we are progressively enlightening the minds of the natives: that security is promoting wealth: and it may reasonably be expected that the increase of European settlers

will have very beneficial effects. But improvement can only be gradual. No change in the administration of the Government can produce any sudden effect. The local Government has always been disposed to improve the condition of the people. Barring restriction on the settlement of Europeans, which was most unwise, but has progressively been much relaxed, no obvious improvement for the benefit of the people consistent with the receipt of the revenue, necessary for the maintenance of our power, has been, or would be, neglected under the Company's Government. There has been no want of benevolence, either in the Government or its executive officers; but the means of improvement are not obvious.

The most obvious, but that hitherto much disputed, is the admission of Europeans to settle and hold property in India. Their settlement has never been entirely prohibited, and latterly has been facilitated and encouraged; but the removal of remaining restrictions on their lawfully acquiring and holding property is necessary; and for their satisfaction, the cessation of the power possessed by the Government of sending them out of the country is indispensable. The existence of this power is dwelt upon by them as the greatest hardship to which they are subject. They profess to regard it as destroying the value of all property, even if they were allowed to hold it, and rendering their situation so precarious as to preclude the probability that any one possessing capital would voluntarily expose himself to the danger of losing it by becoming subject to the exercise of this arbitrary power. These obstacles removed, and the settlement of Europeans allowed to take its natural course, progressive improvement is the result that may be anticipated. There must be added the abolition of those unjust distinctions which exclude the products of India from the markets of Great Britain and Ireland, the consequences of which abolition are at present incalculable, and may be immense. It is impossible to foresee to what extent the resources of this productive country may be drawn forth by European

enterprise, skill, and capital. These are our best prospects of improvement.

The extensive establishment of European settlers would give us also a strength in the country which we do not at present possess. We have no root. Were our troops and civil authorities by any disaster driven out of a province, there would be no vestige of us left,—no part of the population interested for our return, or bearing any trace of our existence. It seems wonderful that the policy acted on in a conquered country should have been to exclude our own countrymen from acquiring influence among the people. It may be too late to prevent the injurious effects of such a policy, as the operation of a more natural course must be slow, and the greater part of a century has been thrown away.

The increase of European population will necessarily be accompanied by considerable changes in our judicial administration. Europeans must be made amenable to provincial Courts. It will probably be necessary to introduce functionaries who have had education and practice in English law. The distinction of King's Courts and Company's must be abolished. All must be united in one system. There must be a local code for India and a local Legislature. All our subjects, European Christian, native Christian, Hindoo, Mahomedan, foreigners, &c., ought to be under one code of laws in whatever concerns them in common, returning their own in whatever is peculiar to each sect.

The East Indians, of mixed breed, ought to be placed on the same footing with British subjects. They are now held to be natives, and, although Christian, are subject to Mahomedan law.

Whatever improvement may suggest itself as obviously beneficial and practicable, will no doubt be adopted, either at the time of that great change, or previously. But it is less difficult to perceive that there are defects in the administration of justice than it is to render it perfect. The present judicial establish-

ment is more expensive than might be needed for administering justice to the native population according to their own simple method; but, contemplating an accession of European population, we can hardly look to a more economical establishment. We must universally provide such Courts as will give satisfaction to European as well as native subjects; and this may not be possible without an increase of expense.

The Police establishments, from the same cause, will probably have to undergo great changes. The Police at present is understood to be generally efficient. It is no doubt, in some respects, a source of annoyance and oppression to the people, as is almost every part of our native official establishments; but it is very difficult to rectify this evil. Many gentlemen have made the attempt with the best intentions, but generally with little success. Power and the abuse of it seem inseparable in our native establishments. The theoretical remedy which has been frequently advocated, is to raise the characters of our native servants by augmenting their allowances. The scheme is impracticable, because it would be ruinous, even if there were any hope of success in its object; which may be doubted.

Much has been said of late of Native Agency, which, if it be meant thereby to exclude European superintendence and vigilance, seems visionary and utterly impossible. If it is to be combined with European direction, the native agent must remain much the same as he has always been—a subordinate officer with a moderate salary. We cannot afford to pay double for native agency and European surveillance. All that has been written on the extension of the native agency is very indefinite and rather unintelligible. All our subordinate agents are natives. It is surprising how little Europeans have been employed in the lower offices of the State. The use of natives in the exercise of considerable functions in the judicial department is great and increasing; but they must remain subordinate and moderately paid. If it be intended to substitute native for European agency in the higher offices, the attempt will fail. When native agency predominates we shall be

turned out of the country. We are not here by the will of the natives—*non tali auxilio, nec defensoribus istis.* European agency must still occupy all important positions, for we cannot depend on the agency of natives.

They have never been excluded from any employment in which it has appeared that they could be serviceable. Nor is it necessary now to exclude them. Neither is it expedient to force them unnaturally into new employments for the sake of a theory. Let them be employed wherever it is deemed desirable. But it does not seem natural that the increase of European population, and the extension of Native Agency in the higher offices, should advance together. The patrons of the one can hardly be the advocates of the other.

It must be doubted whether even the Civil Service will be able to retain its exclusive privileges after the extensive establishment of European settlers. At present the whole administration of the country is conducted or superintended by the members of this singular service, destined from the dawn of manhood to the performance of the most important duties.

They are not generally deficient in integrity or application to business, or benevolence to the people. What is most wanted is heartfelt zeal for the public interests; scarcely, perhaps, to be found in any body of men. On the whole, it may be doubted whether the duties performed by the Civil Service could be better performed under any other arrangement by the same numbers, but the necessity of employing unfit men in highly important offices is peculiar to this service, and demands correction.

If all the young men sent out for service in India were originally appointed to the army, the Government would be able to select those best qualified for the civil service, and on the disappointment of its expectations in any instance, could return a person unfit for civil business to duties more suitable to him.

This arrangement, however, possibly might not agree with the future disposal of the army, which ought to be transferred to the Crown. Its existence as a separate body, calling the

Company master, and yet having no respect for the Company or its authorities, is incompatible with that spirit of subordination, and discipline, and loyal devotion, without which an army may become dangerous. The Company's army has always done its duty in the field nobly; and no army in the world, perhaps, has a higher tone in that respect. But it exists in a state of continual discontent, from the comparison which is ever before its eyes of the scantiness of military allowances with the large salaries of the civil service, and is driven almost to frenzy by any attempt to reduce those allowances already considered too small. Therefore, the late orders from home, reducing the batta of the Bengal army at some stations, besides being severe on present incumbents, were most unwise, because they were sure to excite a feeling far outweighing in mischief any good that could possibly be expected from carrying them into effect. The Indian army, although it be taken under the Crown, must, nevertheless, continue in some respects a separate body—that is, it must be officered as at present by officers brought up in its own bosom. Officers from the European portion of his Majesty's army ought not to be transferred to the direct command of native troops; but officers from the Indian army might be allowed to purchase, or to be removed into the European army, and the prospect of this at some period would form a bond of connexion between the two services, which would be strengthened by putting the officers of both services on the same footing from the time of their ceasing to be regimental officers—that is, from their promotion to be general officers, giving to the Indian officer the privilege in common with the European officer of being eligible to serve his country in the fields of Europe.* At the same time, the

* There is matter in this for very grave consideration at the present time (*January*, 1855). Indeed, it is one which presses earnestly for a settlement. In Europe a Company's officer is an officer only by courtesy. The royal commission which he holds in India is in England a dead letter. Whatever services he may have rendered to his country on fields of Eastern enterprise—whatever may be his approved military skill, his experience in the field, his known fertility of resource, his coolness and

Staff in India, and the employments now held exclusively by Company's officers, ought to be common to both branches of the King's army; nominations to be made not at the Horse Guards, but by the authorities in India from officers serving in India, with the exception of general officers, who might be appointed either from home or from the service in India.

The Indian armies of the three Presidencies could not probably be united, under present circumstances, without considerable inconvenience and dissatisfaction. Union is otherwise desirable, and would facilitate any reduction of the army that might be practicable. Considering the composition of the native portion of the several armies, and the necessity of attending to locality in posting them, the difficulties of a change seem to preponderate, but may not be insurmountable. If to be effected, it would most easily be done after the transfer of the Company's army to the Crown, because then, such arrangements might accompany the measure as would lead the officers to regard themselves as members of the British army generally, and not as merely belonging to the army of a particular Presidency with isolated interests, which is the feeling that now prevails, and would render any attempt to join the three armies at present unpopular.

courage in great and imminent conjunctures, his mastery over men—whatever, in short, may be the greatness of his qualities as a soldier and a commander, he cannot, according to the present routine system, serve his country, except *in* or *from* India. And yet only in India, during the last forty years, has any military experience been acquired by the British officer. I trust that I shall not be accused of any undue partiality for the Indian services, when I say that the difficulties which our army in the Crimea has encountered are precisely those, in kind if not in degree, which officers of long Indian experience know best how to overcome. No men are so expert in turning to account the available resources of a strange country as the officers of the Company's services. None know better what it is to contend with such evils as bad roads, scarcity of carriage, insufficient means of transport—and above all, endemic disease. Yet all the experience acquired by the Indian officer, during long years of active service in strange countries and difficult conjunctures, cannot, under the present system, be rendered available for purposes of European warfare. It must be folded up and laid upon the shelf with the Queen's commission, and endorsed as "worthless on this side of the Cape."

This question may in some degree depend on the previous determination of another, namely, whether the present division of India into distinct Presidencies, with the expensive machinery of separate Governments and Councils, shall be maintained.

No single Government, as the Indian Governments are at present constituted, would be equal to the management of the details of internal administration of all the three Presidencies. The Supreme Government is not fully equal to it in that of Bengal alone, notwithstanding the aid of several subordinate Boards; and would be more efficient for general purposes if it were relieved from the greater part of those details.

The system of separate Presidencies seems to work well, and to justify an entire change would require some obvious and great advantage which is not manifest.

But it is undoubtedly desirable that there should be an unity of authority, and that every part of India should in every respect be under one Supreme Government.

There might be in each of the three Presidencies of Bengal, Madras, and Bombay, a Deputy-Governor, with a Board for internal administration; and, over all, a Governor-General with a Supreme Council.

This seems at first sight a more expensive arrangement than the present, but as the local Governments would be limited to internal administration, the subordinate Boards which at present exist in the several departments might be wholly or partially dispensed with.

Each Presidency might require a separate Commander of the Forces, but there might be a Commander-in-Chief of the whole, who should be equally Commander-in-Chief for all the troops, and not, as at present, Commander-in-Chief for the King's troops only, and commander of the Company's forces in Bengal alone.

The Commander-in-Chief ought to be a member of the Supreme Council, in which all important political and military questions would be determined; but the commanders of the

respective Presidencies need not be members of the Presidency Boards, as the business of the subordinate Governments would be confined chiefly to local civil administration, in which the commanders of the forces could be of little use. The local Boards might be assisted, if necessary, with military knowledge, by having a military man as secretary in the military department, as is already the case in Bengal.

The nomination to appointments, or what is designated the patronage in all the forces, ought to belong to the commander-in-chief, and the patronage of the three Governments to the Governor-General. This is necessary for the due influence of these high authorities; for, without the power of dispensing benefits, they would be of little consequence, personally, in the estimation of the community.

Whenever circumstances will admit—that is, whenever the Governor-General may be a general officer of sufficient military rank, it will be better that he should also be Commander-in-Chief. In this conquered empire, where the army forms so preponderating a part of the European community, the existence of a separate head to the army creates a power which sometimes becomes a sort of rival to that of the Governor-General. Either the Commander-in-Chief acquires popularity at the expense of the Governor-General, or both are unpopular. The periods of greatest discontent in the army will be found to have occurred when the offices were separate; the army has been best pleased when they have been united.

The union of the offices of Governor-General and Commander-in-Chief is not suggested as an arrangement in no instance to be deviated from. It is supposed that the junction of authorities would generally be advantageous; but if a rule had existed excluding from the Governor-Generalship every person who could not be Commander-in-Chief, we should have lost the administrations of Lord Wellesley and Warren Hastings.

The Supreme Government might consist of the Governor-General, the Commander-in-Chief, and two other members. Civil or military servants from either of the three Presidencies

to be eligible to the Supreme Council. More members from other professions might be added for legislation. One or more secretaries, as need might be, to be attached to the Supreme Government to be taken from any of the Presidencies.

The subordinate Governments might consist of a Deputy-Governor and two members of the Board at each Presidency. The members of the Board to be selected from the civil servants of the same Presidency.

Officers of the Indian army to be eligible as well as officers of the British army to the offices of Commander-in-Chief and commanders of forces.

The nomination of Governor-General, Commander-in-Chief, deputy-governors, commanders of forces, members of the Supreme Council, members of Presidency Boards, and general officers on the Staff, to be made by the Home authorities. All subordinate appointments to emanate from the Governor-General or the Commander-in-Chief in India. The Government at home must be careful to leave inviolate to the Government in India the power of selecting its agents in the administration of the country, and to limit the selection used by us at present to persons duly qualified by local education in the civil or military service of the State in India.

The Supreme Government ought to possess the power of controlling and directing the subordinate Governments in the details of the internal administration of the several Presidencies, whenever it may see fit to interfere, as well as in every other respect. The Presidency Governments, in short, to be thoroughly subordinate; to report their proceedings to the Supreme Government, and to have no separate correspondence with the Home authorities, unless to convey intelligence when it may be useful for them to do so. Political, military, financial affairs, legislation, and all general interests would come within the peculiar province of the Supreme Government, which would be the more efficient for its duties by being relieved from the details of internal Presidency administration.

The ordinary seat of the Supreme Government might be, as

at present, in Calcutta, which is certainly the capital city of British India. But if a centrical position be preferred, Saugur offers itself as nearly the heart of India. It would, however, be inconvenient and expensive to make a new capital, and centricality of position is of less consequence, as the Supreme Government ought to have the power of moving wherever its superintendence might be most required.

The subordinate governments also ought to have the power of moving within the limits of their respective territories under the orders of the Supreme Government. The seats of the subordinate governments would be naturally at Calcutta, Madras, and Bombay. Or if the seat of the Supreme Government were at Calcutta, that of the local government of the Bengal Presidency might be at Allahabad or Monghyr; but this arrangement would probably throw on the Supreme Government the local administration of affairs at Calcutta, and so far diminish its efficiency for general government by involving it in internal details.

Military and Political.

DEFENCE OF OUR INDIAN EMPIRE.

[*March* 6, 1830.]

[In the following paper the peculiar views of Sir Charles Metcalfe, relative to the dangers which, in his estimation, at all times threatened the security of our Indian Empire, are suggested rather than enforced. These opinions were not, however, enunciated in the spirit of an alarmist; but solely with the object of resisting an undue tendency to reduction, in all parts of the Indian Establishment, which was then manifesting itself at home. There was nothing which he more consistently advocated throughout the whole of his career, than the necessity of maintaining the efficiency of the army, as the only real bulwark of our strength.]

THE Honorable the Court of Directors, in the 8th paragraph of their letter of the 18th of February, 1829, have been pleased to express a wish, that the grounds of an opinion, stated by me in a Minute of the 25th of February, 1828, had been more fully explained.

That opinion was to the effect, that our army in India is not larger than what it would be desirable to retain could the expense be afforded.

With reference to the wish expressed by the Honorable Court, I proceed to explain that opinion, and shall commence by endeavouring to reply to the particular questions put by the Honorable Court, and herewith entered in the margin.

1. Is it that the political measures adopted under the Government of the Marquis of Hastings have failed to produce their expected results, and if so, whence has this arisen?

1. The measures of the Marquis of Hastings were entirely successful in suppressing the predatory powers, and tranquillising Central India, which were among the principal results expected from these measures; but the arrangements adopted for the completion of those objects led to an increase of our army. By occupying several stations in Rajpootana and Malwah, we created a demand for additional troops, which our government was soon induced to supply. We established what may be termed a military police throughout Central India, with a view to maintain order in countries belonging to foreign potentates. This system will no doubt have advocates, and it cannot be denied that it has produced the tranquillity which was desired. Nevertheless I must acknowledge myself to be of opinion that it was erroneous. I consider the stations of Nusserabad, Neemuch, Mhow, and even Nagpoor and their subordinate posts, to have been unnecessarily occupied as permanent stations after the war of 1817-18. We might have adopted another course. After suppressing the predatory powers, and remaining long enough to see that object fully accomplished, we might have withdrawn our forces within our own frontiers; we might have exercised through our political agents a general superintendence over the tranquillity of Central India, preventing the several states from attacking each other, but also avoiding that minute interference which we have since exercised, especially in Malwah, in the affairs and internal police of every petty state. Instead of acting ourselves as police officers throughout the country, we might have required from the several states suitable exertions to keep the peace by their own means, and we might have organised relations of mutual protection and subordination between the greater and the minor states, where necessary for general tranquillity. Under such a system, we might have had occasionally to employ troops in Central India for the restoration of broken peace, or the restitution of the rights of a weaker violated by a

stronger power, but the permanent drain in our army, which now imposes on us a permanent increase of expense, would have been avoided. Were I asked whether or not I think a change to such a system still practicable and advisable, I should answer that I do not consider it impracticable, and am not confident that it is unadvisable; but there is a great difference between avoiding and abandoning a system. Abandonment is retrogression, which of itself is an evil in India, from the sensation which it excites, and the impression, with which it would be attended, of diminution of power. Our system has been established. The expense of stationing our troops in Central India has been incurred: were we now to withdraw them, the people would regard the measure as a retreat and loss of power, and would be prepared for great changes. Unless willing to abandon our supremacy, we should probably at first have to act occasionally with vigor, and not without expense, in order to maintain our power, and prevent general disturbance. While, therefore, able to keep our army at its present strength, it will perhaps be as well to leave our stations in Central India untouched; but if compelled by absolute necessity to effect a large reduction of force, the question of dispensing with those stations may very properly be taken into consideration.

2. Is it that your military force is not distributed in a way the most favorable to its efficiency?

2. I am of opinion that this is, in some degree, the case. It has been too much our practice heretofore to disperse our army in single regiments, or small detachments, but not so much so of late as formerly. Were we to have our regular army brought together in large bodies at several chosen points, and exercised in field operations; were we to have a cheaper description of force for internal service, and to make more use of our invalids, converting them into veteran regiments for garrison duties, we might probably have a less expensive army, and at the same time a more efficient one for field service. But if any alteration of the distribution of our army were now suggested, we ought to remember that it is an expensive

affair to build new stations, and is more expedient to avail ourselves of such cantonments as already exist.

3. Is it that our system of Government is so little popular with the natives, as to require a large army to preserve the internal peace of the country?

3. There is no doubt, in my mind, that our government is thoroughly unpopular; but this is because it is a government of conquerors and foreigners, and not from objections to our system of government. I do not mean to say that our system is popular; but I am not prepared to show that any other that we could adopt would be more so.

Our Indian Government has always labored to make our system of rule palatable to our native subjects. Various changes have been adopted from time to time with this view, and if any one could suggest any practicable improvement obviously calculated to render our sway more popular, it would no doubt be carried into effect. Our system differs from that of native governments principally in our more elaborate judicial and police establishments. Native governments of the present day trouble themselves less to perfect such establishments for the benefit of their subjects; but some have a system handed down to them from their predecessors, which works perhaps more efficaciously than our own. Were I asked whether the increased happiness of our subjects is proportionate to the heavier expense of our establishments, I should be obliged to answer according to my belief in the negative ; but it may not be so easy for us, as for native governments, to dispense with expensive judicial establishments. Every day we are called on to increase them. To retrace our steps is difficult and might be exceedingly injurious. The probability is that we must go on to further expense. Every improvement of British India, connected with the establishment of an European population, will render the administration of justice more expensive to the State. The most costly part of our judicial establishment is the King's Court ; and the greater the necessity for English law, the more expensive will our Provincial Courts become. It ought not to be an objection to our

system of government that its chief characteristic, as distinguishing it from that of native rule, is the outlay of a greater portion of the public revenue in order to furnish justice to our subjects. When, therefore, I admit that we do require a large army to preserve the peace of the country, I ascribe this necessity not to our system of government, but to the existence of our government. We are foreign conquerors, against whom the antipathy of our native subjects naturally prevails. We hold the country solely by force, and by force alone can we maintain it. It is not that the internal peace of our own country might not possibly be preserved with a smaller army, but we must be at all times prepared to cope with foreign hostility and internal disaffection, and unless we have the means of subduing both, our rule must be very precarious.

4. Is it that our notions of security, and of the conditions necessary to the enjoyment of it, have altered with our position? That we have grown more susceptible of alarm, quicker in our apprehensions of danger, nicer in our calculations of the means of averting it; more cautious of encountering hazards, less fertile in resources, or less confident in them, and in ourselves?

4. In all these respects we are much the same as we have always been. The strength of our army has been limited generally by our necessities. We have maintained usually as great a force as we could pay, not holding that to be too much, or even enough, but wanting means to entertain more. I believe this to have been the only scale by which hitherto we have been able to regulate the extent of our army. At no period since I came to India has the army been reduced on any other ground than the necessity of reducing our expenses. At no period has the belief prevailed that our force exceeded the exigencies of the vast empire under our control. At no period has reduction been effected without apprehension in the minds of men of local knowledge and experience, and especially those who have seen most of foreign native states, that we were incurring a risk which the necessity of the case alone would justify. After every war, reduction has been effected; but instead of continuing reduction throughout the state of peace, we have had recourse to increase, under

an admitted necessity, before the occurrence of another war. The same necessity which has hitherto limited the extent of our army, must continue to do so. We cannot keep what we cannot pay; and must encounter hazards, rather than allow our expenditure continually to exceed our income. But if any one, well acquainted with the state of India, and competent to discern the accidents to which we are liable, were now to draw up a statement of the force required for the maintenance of our power, without reference to financial difficulties, the probability, the certainty perhaps I might say, is that he would fix it at an amount exceeding what we have. What commander-in-chief has ever pronounced the Indian army more than adequate, or has not repeatedly urged the necessity of increase or the inexpediency of reduction? What government has ever reduced the army from any other motive than financial necessity? It cannot justly be supposed, that this universal feeling proceeds from a wanton desire to increase the army without cause. Who that is acquainted with the state of India does not at this moment feel that we should be the better for more European troops, if we could afford to pay them? The time has not yet come, and probably never will come, when we can limit our military force in India by any other scale than that of our pecuniary resources, beyond which it would obviously be folly and ruin to attempt to maintain an army permanently, although in time of war, and during emergencies, it may be unavoidable.

5. If there are causes, whether of temporary or permanent operation, which render it unsafe, or in any respect inexpedient, to maintain somewhat similar proportions between a war and peace establishment in India which are usually observed in the states of Europe, it is desirable that the na-

5. I do not mean to assume that there is to be no difference between a war and a peace establishment in our army in India. There always has been, and naturally ever will be, a considerable difference. At the end of every war we reduce our army as much as seems consistent with safety. Since the last war, in the Bengal army, one-third of our regular infantry, one-fourth of our regular cavalry, one-half of our irregular cavalry, and one-fourth, I think, of our

ture of such peculiarities should be investigated and explained.

foot artillery, have been reduced, exclusive of reductions of local and provincial corps, and other charges. Nevertheless there are peculiarities of permanent operation in our Indian Empire which widely distinguish it from any European state. It is an empire of conquest, and the hearts of the people are not with us. We must be prepared to meet sudden warfare; we must be able to oppose external enemies and to maintain internal subjection. From the people we can derive no aid. We can have no militia, no conscription, no press, no volunteer corps, no levy *en masse* in our favor in a case of emergency. Reinforcements from England might arrive too tardily. Recruits raised in India could not be manufactured into soldiers soon enough. Our native army is composed of mere mercenaries, and must be trained for war before the exigency arises. There is another peculiarity in our situation. We cannot reduce our army by regiments, that is, we cannot disband our officers and put them on half-pay as in Europe. No officer could be condemned to live on half-pay in the climate of India. The hardship, we know, is severe even in Europe. We cannot, therefore, raise a number of regiments in time of war, and disband them in peace. The full charge of the officers at least must be permanent; and although they might by degrees be absorbed in other regiments of the army, even that arrangement would be found very disheartening to the whole body. It would not be difficult to establish as a system, that during war none but temporary regiments should be raised, and these might be assigned to internal duties, having no officers permanently posted to them, and not above three to do duty with them; but we have always been without any system long in operation, because our government is continually changing. The system of increasing our army has been the only permanent one, for in that the whole army has always been interested, and no one has been able to deny the necessity. But the predominating cause which makes it impossible with safety to place our army on a very low peace

establishment, is the precariousness of our existence as a power in India if we relinquish the means of maintaining awe among our subjects, as well as among foreign states, through the influence of a military force believed to be irresistible. Without this we should invite opposition, hostility, and insurrection, which, if successful, might spread like wildfire, and rapidly involve our whole Indian Empire in conflagration and destruction. The maintenance, therefore, of the largest army that we can afford to pay is perhaps the most economical system that we could adopt.

The surprising circumstance that our armies have increased as our enemies have been subdued, may be accounted for in several ways:

1. In time of war we have increased our force, and at the end of it we have found ample employment for a portion of the increase.

2. Every successful war has extended our territory and the sphere of our superintendence, and caused a necessity for a larger force to cover a space more widely spread.

3. A successful war has sometimes brought us into contact with new powers, of whom we previously took no notice, but by whom subsequently the extent of our army has been influenced always towards increase.

4. The increase of resources attendant on successful wars has encouraged us to maintain the increased force of which the necessity has been admitted.

5. It may be added that the increase has been found necessary sometimes when there has been no increase of resources to meet it, the necessity arising out of the character shown by the enemy in the preceding war.

Instances may be adduced of the operation of these various causes. After the destruction of Tippoo and the revival of the Mysore state, we furnished a force to be stationed in the Mysore territories. The completion of our alliance with the Nizam increased the forces to be maintained in his dominions, and caused troops to be posted in the ceded districts. Our

alliance with the Peishwa in 1802 caused a subsidiary force to be stationed permanently in his territories. Our alliance with the Guickowar had a similar effect. The success of the war of 1803, 1804, 1805, and 1806, caused us to occupy several military stations beyond the Jumna, and brought us into contact with the Sikhs, the Rajpoots, and the Jauts, all warlike tribes, between whom and our frontier the Mahratta possessions before intervened. The negotiations of 1808 and 1809 brought the Sikhs between the Sutlej and Jumna under our protection, and carried our military frontier to the Sutlej. Then the power of the ruler of Lahore in immediate contact with us became a new object of our vigilant attention and precaution. The Goorkha war in 1814, 1815, and 1816, made us acquainted with a formidable power, whose military strength was previously unknown and egregiously underrated. Then, for the first time in India, we had recourse to superiority of numbers to overpower the bravery and discipline of our enemy, combined with the natural advantages of his defensive positions. At the close of that war we occupied the conquered Hill Provinces with new troops, and lined our frontier on the plains towards Nepal with military stations. Our treaty of alliance with Nagpoor rendered it necessary to supply a subsidiary force for that state. The war of 1817, 1818, and 1819, led to the military occupation of Rajpootana and Malwah, including the Saugur and Nerbudda territories, and caused the occupation of four additional large stations, as well as many of a smaller class. The Burman war, by the acquisition of Assam, Arrakan, and the Tenasserim coast, has been attended with fresh calls for troops. Until within the last few years our eastern frontier required only a native battalion, of which one wing was posted at Dacca and the other at Chittagong. Let this force be compared with that which now occupies the same frontier, including our conquests from the Burmans, and the difference will show the manner in which our army increases by success. On the Bombay side of India most of our principal military stations have been formed since 1802, and we have by degrees brought

ourselves in contact with Sind, and narrowly escaped a war with that power, which, had it taken place and been successful, would have involved us in new relations and required more troops. The Bombay army has been greatly increased since the war of 1817 and 1818, which can only be explained by the admission that expansion of dominion requires extension of military occupation; for otherwise, as the conquest of the Peishwa's territory did not bring the Bombay Government into contact with any great power whose hostility might be dangerous, there would not, *primâ facie*, have seemed to be any reason for the increase of its army. Neither was the Bombay Government tempted to this increase by any superfluity of resources; for great as has been its acquisition of territory by the Peishwa's downfall, there is an immense deficit in its income below its expenditure. Some supposed necessity must have existed, of which the local authorities must be held to be the best judges, for an increase which, in ordinary calculation, at a distance, would not perhaps have appeared to be either necessary or expedient. I am not, for my own part, arguing that the Bombay army is too large for what it has to protect. I doubt whether, as a separate army for the service of its own Presidency, it is large enough. But it is possible that our army has been sometimes unnecessarily increased, owing to our having separate presidencies, separate governments, separate armies, and separate commanders, when any actual exigency might have been provided for by a suitable distribution of the armies of the Presidencies, as if they had been one, for the general service of India.

Every war has led to a permanent increase of our army. Sometimes our conquests have furnished resources for the payment of that increase, sometimes not. If we had only external enemies to think of, the advance of our military frontier would not necessarily be attended with an increase of force. Our stations would in that case be removed from the old to the new frontier. But the whole of our territory being a conquered and hostile country, we cannot afford to leave bare that

which remains in our rear. In 1803 our great military stations in the North-Western Provinces were on the Ganges. In 1806 they were advanced beyond the Jumna, but we could not relinquish our stations on the Ganges. Cawnpore remains to this day one of our largest stations. In 1809 our military frontier was advanced to the Sutlej, and Meerut, and subsequently Kurnaul, became large stations of the head-quarters of generals of division, with reference to the importance of the north-west frontier; but we could not abandon the stations of Agra, Muttra, and Dihlee, formed in 1806 with a view to the powers of Central India, and these are still considerable stations, although since 1817 Central India has been in a great measure occupied by our own troops.

It is not my intention to argue that every station at any time occupied has been indispensable; but it is evident that it has been so considered, at the time of its formation, by competent authorities. Lord Lake advanced our stations to the Jumna. Sir George Hewett made Meerut one of our principal stations. Sir David Ochterlony and Sir John Malcolm formed our stations in Rajpootana and Malwah.

Among the causes of increase in our army, it is evident that we require more men to do those things that could formerly be done with less. While we have been extending our dominion in India, several military powers have arisen, several disciplined armies have been formed. At first our discipline operated like magic; but the native powers have learned the art from us; and although we retain our superiority, it is not in the same immeasurable degree. Sindia's formidable force of disciplined infantry and artillery, as well as that of other Mahratta powers, was created after the establishment of our power in India. It was defeated by Lord Lake and by the Duke of Wellington, but not without hard fighting. It is probable that the army which won the battle of Plassey would have been overwhelmed at Assye. The Goorkha is another purely military power, which has got up and formed an army admirably disciplined in imitation of ours, without foreign aid, and thoroughly national,

and this entirely since our government was established over a great portion of India. About 1770 we sent five companies of Sepoys, under a captain, on a hostile expedition into the Nepal country. They took and kept possession of Mukwanpoor and Etounda, and nothing dared to oppose them. The Goorkha Government was not then established in Nepal. Were we to send five companies into Nepal now for any hostile purpose they would instantly be annihilated. To war with Nepal in 1814 and 1815 we employed forty thousand men, and in several instances failed. For the purpose of forcing an entry into Nepal Proper in 1815 and 1816, which we failed to accomplish in 1814 and 1815, we had sixteen thousand men, including several European regiments, under our favorite general, and then the entry was effected, not by any attempt to force the passes that were defended, but by a wise and fortunate experiment, which must, however, have failed had it been opposed, owing to which we turned the enemy and gained a footing in the mountains by a surprise. Many more improbable revolutions have happened than that. The Goorkha power may some day lord it over the plains between the hills and the Ganges in consequence of our downfall, whether promoted by them or produced entirely by other causes. The power of Runjeet Singh, the ruler of Lahore, is another which has greatly advanced since we came in contact with him. In 1806 I was sent on a mission to his capital, not to him, although he was there, but to Jeswunt Rao Holkar, who was encamped in the neighbourhood, and Runjeet Singh was then comparatively so insignificant that he was not noticed in the instructions that I received. His power, his army, his resources have from that time to this been continually on the increase; not the Punjab alone, but Cashmere, Mooltan, Attock, Peshawur, and many other conquests of inferior note, have been subjected to his dominion: and if it were necessary to attack him, we should have to put forth our utmost strength. We should certainly use a greater force than we brought together in 1809, when a war with Runjeet Singh seemed pro-

bable, and we should do so with good reason, as his power has vastly increased. We should, beyond doubt, employ a larger army than that with which Lord Lake advanced into the Punjab, when he had the probable prospect of contending with Holkar and Runjeet Singh united. Runjeet Singh has imitated the Mahrattas, and has his troops disciplined by Europeans. For obvious reasons he has preferred Frenchmen and other foreigners to Englishmen.

It is probably owing to a combination of the several causes stated, but whatever be the cause, it is manifest from all past experience that calls are constantly made at most of our stations for an addition of force, while no one of experience can be found to say that what we maintain, on the whole, is superfluous.

That it may be beyond our means is another affair, and if that prove to be really the case, security must yield to necessity; and it will become the duty of our local governments to consider how, with the least injury, our army can be reduced within the limits of our resources. But this is the last of our establishments that we can wisely reduce, and every other department ought first to be subjected to every possible retrenchment.

It is of course almost impossible to say that a certain number of regiments are indispensable, or that a certain number are sufficient; but while it is doubtful that the force which we have is sufficient, there seems to be no better criterion for regulating its extent than the amount of our resources. It is to be lamented that any permanent increase was ever admitted without a strict calculation showing that our means were competent to maintain it; which being shown, that competency ought not to have been allowed to be counteracted by increase of expenditure in other departments. This precision, carefully attended to at all the Presidencies without deviation, would have kept our expenditure within our income, and would have saved us from the embarrassment which we at present suffer from the necessity of reduction, and the difficulty of selecting the proper objects for its accomplishment.

CONSTITUTION OF THE INDIAN ARMY.

[*May* 16, 1835.]

[In this Minute, written after Sir Charles Metcalfe had assumed the Governor-Generalship, the opinions relative to the insecurity of our Indian Empire, glanced at in the preceding paper, are emphatically and unreservedly declared. Lord William Bentinck had spoken more lightly of these dangers than the Indian civilian could conceive to be justified by a reference to all the circumstances of our actual position;* but he had seen peril where Metcalfe could not see it, in the enlightenment of the people. The passage at page 197, relative to the diffusion of knowledge, will be read with no common pleasure.]

The Right Honorable the late Governor-General, in a minute dated the 13th March, has recorded his sentiments regarding the composition of the army of India, and the method to render it more efficient.

In the commencement of that Minute his Lordship has entered on the question of the danger of our position in India, and although he has, I think, underrated it in some respects, the sum of his remarks tends to show that we are in such danger as is incalculable.

* There is no parallel of this in the antecedents of Indian history. It is commonly the home-bred statesman who is most alive to the dangers of our position. Lord Wellesley and Lord Minto were much more sensible of danger than Sir John Shore or Sir George Barlow.

His Lordship is of opinion that there is no danger from native powers, because there is no chief with any semblance of military force; but this cannot be said of Runjeet Singh, nor of Sindia, nor of the Goorkhas (a nation of disciplined soldiers), nor of Holkar, nor of the Burmans, nor of many other powers, who, in a greater or less degree as to each other, have all the materials of military force according to their means, of which we might be made aware very speedily if there were any favorable occasion for its display against us. We must not imagine, because we are now at peace and apparently invincible, that there is no military power that could be arrayed against us in the event of troubles and disasters. The difficulties that we had to contend with, and the exertions that we were compelled to make, when we had the Goorkhas and the Burmans singly to combat, ought to satisfy us that we may again be involved in embarrassments which would add greatly to the moral strength of every power in India disposed to enter the field as an enemy. Except the mental effect, which may or may not have been produced by our ultimate success in our former wars with these powers, they are as strong as they ever were; the Goorkhas, I believe, stronger, owing to their incessant attention to the perfection of their military efficiency, and to the admirable system by which every man in the nation is made a disciplined soldier. It may be said that they cannot cope with us in the plains, and single-handed; if we could bring all our resources against them, they most probably could not. This would not, however, be from any want of energy or of discipline on their part, but from our superiority in cavalry, artillery, and every other arm; in some respects in skill and efficiency, in others in numbers. But neither have we any right to expect that the war would be single-handed, nor can we calculate on its being carried on in the plains. We must be prepared for an offensive war, in which the Goorkhas would have all the advantages of their mountains, and our difficulties be accordingly increased. A merely defensive war would be to us nearly the same as a defeat. It would be a change, and

an evidence of weakness which our power could hardly survive. It is not, therefore, enough to say that one power, single-handed, is a match for us. We should not be here, if any were. The question is, can we conquer them all at once? for the power to do that is necessary for our safety.

Our danger does not lie in the military force alone of native states, but in the spirit by which they are actuated towards us; and still more in the spirit of our subjects from one end of India to the other. We have no hold on their affections; more than that, disaffection is universal. So that what to a power supported by the affections of its subjects would be a slight disaster, might to us be an irreparable calamity. The little reverse which we met with at Ramoo, in the Burman war, sounded throughout India like our repulse at the first siege of Bhurtpore, magnified and exaggerated as if it had been our death-knell. The Commander-in-Chief was said to have been killed, and the Governor-General to have put an end to himself in despair by swallowing pounded diamonds. Ramoo became so celebrated, that although the place is an insignificant one in the district of Chittagong, in our own territory, never before generally heard of, the word is now used by the natives as the name of the Burman Empire, or of any place to the eastward beyond sea; and an idea of something formidable and dreadful is attached to it.

Some say that our empire in India rests on opinion, others on main force. It in fact depends on both. We could not keep the country by opinion if we had not a considerable force; and no force that we could pay would be sufficient if it were not aided by the opinion of our invincibility. Our force does not operate so much by its actual strength as by the impression which it produces, and that impression is the opinion by which we hold India.

Internal insurrection, therefore, is one of the greatest of our dangers, or, rather, becomes so when the means of quelling it are at a distance. It is easy to decide it, because insurgents may not have the horse, foot, and artillery of a regular army;

but it becomes serious if we have not those materials at hand. Nothing can be a stronger proof of our weakness in the absence of a military force, even when it is not far removed, than the history of such insurrections as have occurred. The civil power and all semblance of the existence of our government are instantly swept away by the torrent. We need not go far back to show that in the neighbourhood of the metropolis of British India, within a forced march from one of the largest of our military stations, our government was subverted throughout a considerable extent of territory; our magistrates, with all the power that they could collect, driven like chaff before the wind, and an insurrectionary authority established by a handful of men proclaiming the overthrow of our dominion, and the establishment of a new dynasty in the person of the leader of a band of fanatics. This state of things continued for several days, until the insurrection was suppressed by the application of military force, without which it is impossible to say to what extent it might have proceeded, so completely were the insurgents masters of the neighbouring country. As the spirit of insurrection is catching, this affair was soon followed by an insurrection of the Dangur Coles, a race previously orderly and submissive, and remarkable for industrious and laborious habits out of their own country. No sooner had insurrection broken out than it spread like wildfire. Not a Cole in the country was free from the infection. All the inhabitants of other descriptions, the Rajah and a few chiefs excepted, who had strongholds or military means for their protection, were massacred or expelled. The officers of our administration and every sign of our government quickly disappeared. For a long time all the force that could be found on our part was not only inadequate to suppress the insurrection, but, although in able hands, could hardly resist it, and could not prevent its spreading, or do more than check it at one point. It required several months and a large force to put down this insurrection; but that of the Chooans, another wild race, soon followed, which baffled the first force and the second force employed, and kept us engaged for many months also before it was extinguished.

Had all these insurrections happened at once, or any of them at a time when we could not have brought troops against them, they might have been exceedingly embarrassing, and the extent to which they might have proceeded, or the danger with which they might have been attended, cannot now be calculated. These things happened in countries which had been long under our dominion; and although able reports have been written as to the causes, they have never to my mind been satisfactorily explained, according to any motives or expectations by which men would rationally have been guided under the circumstances then existing. In each case, in my opinion, the actual cause was habitual disaffection, operated upon by the spirit of insurrection, excited by false notions that the time was favorable for success. The alleged causes elicited by investigation, if they were causes at all, were merely sparks applied to combustibles previously existing.

I have noticed these circumstances at the risk of repeating what I have probably said more than once on former occasions, because the prevalent disaffection of our subjects, the uncertainty under which we hold any part of our Indian possessions, without the presence or immediate vicinity of a military force; the utter inability of our civil establishments to stem the torrent of insurrection, their consternation and helplessness when it begins to roar, constitute in reality the greatest of our dangers in India; without which a Russian invasion, or any other invasion, might, I doubt not, be successfully met and repulsed. The authority of the late Governor-General, in deriding internal disaffection and insurrection, as if they were quite contemptible, must have great weight, the more because it will be gratifying to our rulers to see such opinions supported by such authority. Differing totally from those opinions, I think it necessary to appeal to facts of recent occurrence. What happened in the Barasut, Ramghur, and Jungul Mehal districts, may happen in any other part of our country, without any other cause than the disaffection already existing everywhere.

Persons unacquainted with our position in India might

throw in our teeth that this disaffection is the consequence of bad government, and many among us, connecting the two ideas together, are reluctant to credit the existence of general disaffection. But this feeling is quite natural without any misgovernment. Instead of being excited by our misrule, it is, I believe, in a great degree, mollified by our good government. It exists because the domination of strangers—in every respect strangers—in country, in color, in dress, in manners, in habits, in religion, must be odious. It is less active than it might be, because it is evident to all that we endeavour to govern well, and that whatever harm our government does proceeds from ignorance or mistake, and not from any wilful injustice or oppression.

Although Lord William Bentinck appears to despise the dangers of either foreign foes or internal insurrection in India, his Lordship admits some things which are quite sufficient to show that danger exists. He admits that we have no hold on the affections of our subjects; that our native army is taken from a disaffected population; that our European soldiery are too few to be of much avail against any extensive plan of insurrection. This is quite enough, and more than I have hitherto alluded to; for it is impossible to contemplate the possibility of disaffection in our army, without seeing at once the full force of our danger. As long as our native army is faithful, and we can pay enough of it, we can keep India in order by its instrumentality; but if the instrument should turn against us, where would be the British power? Echo answers, where? It is impossible to support a sufficient army of Europeans to take the place of our native army.

The late Governor-General appears also to adopt, in some measure, the just remark of Sir John Malcolm, that "in an empire like that of India we are always in danger, and it is impossible to conjecture the form in which it may approach." This sentiment expresses the reality of the case in perhaps the truest manner, and I will not longer dwell on this part of the subject.

His Lordship, however, sees further danger in the spread of knowledge and the operations of the Press. I do not, for my own part, anticipate danger as a certain consequence from these causes. I see so much danger in the ignorance, fanaticism, and barbarism of our subjects, that I rest on the spread of knowledge some hope of greater strength and security. Men will be better able to appreciate the good and evil of our rule; and if the good predominate, they will know that they may lose by a change. Without reckoning on the affection of any, it seems probable that those of the natives who would most deprecate and least promote our overthrow, would be the best-informed and most enlightened among them, unless they had themselves, individually, ambitious dreams of power. If, however, the extension of knowledge is to be a new source of danger—and I will not pretend confidently to predict the contrary—it is one altogether unavoidable. It is our duty to extend knowledge whatever may be the result; and spread it would, even if we impeded it. The time is passed when the operations of the Press could be effectually restrained, even if that course would be any source of safety, which must be very doubtful. Nothing so precarious could in prudence be trusted to. If, therefore, increase of danger be really to be apprehended from increase of knowledge, it is what we must cheerfully submit to. We must not try to avert it, and if we did we should fail.

His Lordship considers our greatest danger to lie in an invasion from the north-west, led by the Russians. He supposes a force of 20,000 Russian infantry and 100,000 Asiatic cavalry to have arrived on our north-western frontier. Supposing such a case, with the time which we should have for preparation, we ought to be able to give a good account of the Russian infantry; easily I should say, if there were no danger of internal insurrection at such a crisis. The 100,000 cavalry it would be more difficult to manage, from the impossibility of collecting an equal force of that arm. But is there no impossibility of collecting such a force against us? I doubt the practicability of assembling such an immense body. Are

all to be on one side? Is there to be no hostility to the Russians in their progress? Is every chance to turn up in their favor? If it were possible to collect such a force, how is it to be fed and supported? At whose cost? Not at that of Russia or any other power, that being utterly impracticable from want of means. Solely then at the cost of the countries through which it had to pass. If this were possible, it would at least destroy those countries, and the Russian infantry would be starved to death by the operations of its allied cavalry. All speculations, however, regarding our military defence against a Russian invasion may be safely postponed until we know more on the subject. It cannot come on so suddenly as to prevent preparation to the utmost extent that our resources will allow; and preparation for such an event must be on a much larger scale than any that our means could afford without the immediate approach of the event, or for any length of time. Reserving suitable measures until we have reason to apprehend that we shall have to meet this danger, we have, in the mean time, without reference to such a course, ample reasons for putting our army on the most efficient footing, and for increasing it to any extent that our finances will bear. The measures proposed in the late Governor-General's minute, appear to me to fall far short of what would be requisite at the crisis which he contemplates.

Considering the possible disaffection of our native army as our only internal danger, and the want of physical strength and moral energy as rendering them unable to contend with an European enemy, his Lordship proposes that the European portion of our army should be one-fourth, and eventually one-third, in proportion to the strength of our native army. He considers this as requiring a force of 30,000 Europeans in India. In the expediency of having at least this force of Europeans, even in ordinary times, I entirely concur; that is, if we can pay them. But the limit to this, and every other part of our force, must be regulated by our means. If we attempted to fix it according to our wants, we should soon be

without the means of maintaining any army. Thirty thousand European troops would be vastly inadequate for the purpose of meeting the imagined Russian invasion, for we should more require European troops in the interior of India at that time than at any other. To have our army on a footing calculated for that event is impossible. Our army cannot well be greater than it is, owing to want of means. It cannot well be less, owing to our other wants. Such as it is in extent, it is our duty to make it as efficient as we can, with or without the prospect of a Russian invasion; and this is the only way in which we can prepare for that or any other distant and uncertain crisis. On the approach of such an event we must have reinforcements of European troops from England to any amount required, and we must increase our native force according to the exigency of the time. We could not long exist in a state of adequate preparation, as we should be utterly ruined by the expense.

In order to raise our European force to the proposed number of 30,000, of which 20,000 are to be infantry and 5000 cavalry, an addition would be required of 10,000 or 12,000 to our actual force. The increase of expense would, of course, be great. It is an increase to which I should not object, for it may be of vital importance, if we had the means of meeting it; but we have not. And this is the difficulty which opposes us in every attempt at improvement.

In order to provide in some degree for this additional expense, the late Governor-General recommends that a captain be struck off from every regiment of the native army. Having, in another minute, proposed the reduction of two subalterns in every regiment, to meet some other expense, his Lordship now recommends the abolition of a captain to meet this. If every additional charge is to be met in this manner, what will become of our native army? I cannot reconcile my mind to these proposed reductions of the European officers of that force. They are the life and soul of it. And to avow the necessity of increasing the efficiency of the native army,

and in the same breath to advocate the expediency of reducing the European officers, appears to me to be an unaccountable inconsistency. This proposition is accompanied by another for increasing the number of rank and file in every native regiment to 1000. This latter measure is highly desirable; but, like every other good proposition, impracticable from the want of means.

Lord William Bentinck maintains the opinion that there are too many European officers with the native army, or that there is no necessity for so many. From what I have said above it will be seen that I cannot concur in that opinion. If we were to regard our native army as mere local corps, for the support of our civil administration in internal government, we might reduce the number of European officers; but we cannot, I conceive, do so, while we expect from the native army the efficiency of real soldiers against all enemies in the field, European or native. We must not reduce the number of officers who are to lead them to the charge, and on whose energies their discipline and spirit depend. In any future necessary increase of our native army, either temporary or permanent, it might be well to see whether internal tranquillity and order could not be sufficiently preserved by corps partially officered, as local corps now are, and former levies have been; but with respect to any kind of regular force intended for field service, requiring the aid of perfect discipline, the absence of European officers would be a deplorable and, perhaps, fatal deficiency. To think of the occasion when our native troops may have to be led to the charge of Russian batteries and bayonets, and to propose at the same time to take from them their European officers, are incongruities which one cannot understand.

The late Governor-General condemns our Indian army, in a sweeping sentence, as being the most expensive and least efficient in the world. If it were so, how should we be here? Is it no proof of efficiency that it has conquered all India? Is it no proof of efficiency that India is more universally tranquil owing to our Indian army than it ever was under any

native government or governments that we read of? If our Indian army be so expensive, why do we not employ European troops alone to maintain India? Why but because Europeans are so much more expensive that we could not pay a sufficient number? If our Indian army be so inefficient, why do we incur the expense of making soldiers of the natives? Why do we not entertain the same number of undisciplined people who would cost much less? Why but because then we should lose the country from the inefficiency of our native force? If, therefore, the Indian army be preferable to an European force on account of its cheapness, and to other native troops on account of its efficiency; if we cannot substitute any other force cheaper and more efficient; how can it justly be said to be the most expensive and least efficient army in the world? It enables us to conquer and keep India; if it performs well every duty required of it, hard work in quarters, good service in the field, how can it be subject to the imputation of inefficiency? The proof of its cheapness and of its efficiency is, that we cannot substitute any other description of force at once so cheap and so efficient.

One important measure proposed by the late Governor-General is the entire abolition of the Bombay army, and its union, half to the Bengal, half to the Madras army. I am not aware of any advantage to be derived from this measure, except the saving that might be effected by the abolition of the portion of the staff which would cease to be necessary when the Bombay army ceased to be a separate army; but I can hardly think that this advantage would be sufficient to make the measure desirable. It would, I imagine, be a source of great discontent to the whole of the Bombay army, and of gratification to no one. If there were sufficient reasons for uniting all the armies of the several Presidencies in one, which I apprehend there are not, the Bombay army would share the fate of the others, and all would be amalgamated; but while there are separate armies, and separate presidencies, I cannot see any sufficient motive for the abolition of the Bombay army,

and the infliction of the wound which would thereby be given to the feelings of that body, and of the whole service of that Presidency. For so great a change some very important benefit ought to be shown, which is not at present visible. The amount of consequent reduction of expense has not been stated, and would probably be insignificant compared with the magnitude of annoyance.

The junction of the Ceylon force with that of India appears, for unity of power, to be desirable; but while the Government of Ceylon is distinct there will probably be impediments to a junction of the forces.

The introduction of Malay troops into the Indian army is another question agitated in his Lordship's minute. I am not competent to offer any decided opinion on this subject, from a want of sufficient knowledge of the Malay character. The general impression of it is unfavorable, but I have met with gentlemen accustomed to it, who speak highly of it. If Malays would make orderly and faithful soldiers, I should be inclined for their admission, on the ground that our native infantry is composed too much of men of one class, actuated by one common feeling, and that it is expedient to have a variety, in order that one description, in case of necessity, may be used to maintain order in another. But this purpose would not be well accomplished by the introduction of less orderly, or less efficient, or more expensive troops; and what the Malays might prove in these respects, I do not know. There cannot be a more orderly body of soldiers in the world than our Bengal native infantry; and caution ought to be exercised before we substitute for any portion of them another class of men.

It is proposed that a portion of the native army should be light infantry. To this I see no objection. It was formerly, and is, I suppose, still the case in the Madras army. It was also at one time the case in the Bengal army; several light infantry regiments were formed during the command of General Hewitt. That was because the French were supposed to be

coming. They were afterwards reduced. There is now a light infantry company in each regiment, equal in amount in the Bengal army to nine regiments. Whether it be better to have the light infantry as a portion of each regiment, or in separate regiments, is a question on which I cannot pretend to offer a decided opinion.

In all that Lord William Bentinck says in favor of that description of our force which is called irregular, or still more improperly, local cavalry, perhaps from its not being local, I have the honor entirely to concur, which I am always more happy to do than to differ from one whose mind has been so purely and anxiously devoted to the public welfare. I regard the irregular horse as a most useful and valuable description of troops. I wish that all our native cavalry were of this description, and all our regular cavalry European. I do not mean by this remark to recommend such a change. All such changes, even if they were generally desired, require great consideration. Our regular native cavalry has grown up as a branch of our establishment, has hitherto done its duty well, and ought not to be inconsiderately broken up. But if I had to form a cavalry army for India, without the previous existence of the regular native troops, I would make the regular cavalry European, and the native cavalry of the same description as that body now termed the Irregulars or the Local Horse. I do not know that the late Governor-General goes so far in his opinion on this subject, but in all that I have seen of his sentiments in approbation of that description of our cavalry I fully concur.

I also concur in the opinions which he has expressed regarding the use which might be made of steam power to increase our military efficiency and maintain a speedy communication with Europe. But this and other expensive additions to our establishment can only be adopted when we have adequate means. Great improvements might easily be suggested, but where are the funds to come from? Many are sanguine in expectation of vast increase to our revenue from the future

development of the resources of India, but for the present, at least, we must regulate our expenditure by the income which we have.

This consideration must render nugatory all schemes of improvement which would be attended with any considerable increase of expense; and to seek improvement in one quarter by positive deterioration in another is a most unsatisfactory mode of proceeding, and requires at least that the gain by the change, as compared with the loss, should decidedly preponderate, and be well ascertained.

The concluding sentiments of the late Governor-General's minute are, that we are utterly unprepared to meet a Russian invasion, which I fully admit, and that we ought to be so prepared with the large sum already appropriated to our military expenditure; which opinion is not so convincing, but very questionable: for if the same sum were sufficient to put us in a state to meet the supposed invasion, and that were the only danger against which we had to prepare, it would follow that a great restriction in our military expenditure would be practicable, were it not for that expected event. But no one is able to show how this can be effected.

With a view to that great crisis, his Lordship proposes the increase of our European force to one-fourth, and eventually one-third, in proportion to the whole army; the increase of the regular horse to 20,000; the increase of each regiment of native infantry to 1000 rank and file; and of each regiment of cavalry to 800; all measures highly desirable and proper, in contemplation of the expected invasion, but still inadequate, and intermediately sure to produce an immense increase of expense, which would be utterly intolerable and ruinous.

The only measures pointed out by his Lordship as calculated to meet this increase of expense, are the abolition of the separate staff of the Bombay army, and the junction of that force with the armies of Madras and Bengal, the result of which, apparently, would give little aid to the purpose designed, and would not even recompense the injury done to the feelings of

the Bombay service in the destruction of a long-established and efficient army; and, secondly, by the abolition of a captain in every native regiment at all the Presidencies, a measure which would deteriorate the efficiency of the main body of our army—the very force which it is our object to make more efficient—and, besides, have an effect on the minds of the European officers much more injurious than the saving produced would be advantageous. These measures, exclusive of their being objectionable; would be very inadequate in their results for the end in view, and we should find the expense, as before remarked, utterly intolerable. To increase the efficiency of the army by increasing its inefficiency, appears to me to be altogether a wrong course of proceeding. No proper resources for the increase of the army can be found in the decrease of the army. The two objects are incompatible; and the same things that make the former desirable or necessary, must make the latter impossible or inexpedient, unless it can be shown that we have superabundance of force of some description, which cannot be done. We must not look to reductions in the army for the means of bearing expenditure which is rendered unavoidable by the necessity of having a larger army. We can only look to our line establishments when reduction is absolutely necessary; and even there, nothing short of the total abolition of the civil service and its amalgamation with the army would be effectual, which could only be gradual.

Having objected to the plan of the late Governor-General, I may be asked, how I would prepare against the supposed invasion from the north-west? I should say, that to prepare for it adequately is impossible ; we have not the pecuniary resources to place us in a state of sufficient preparation. What then is to be done? We must wait. The event is at present remote and uncertain. We must postpone our preparations until its approach be less doubtful. It cannot come so rapidly, in the shape imagined, as to deprive us of time for preparation. We may then draw from England any number of European troops required, whether it be a fourth, or a third, or half of the

amount of our native army. We may raise the complement of our native regiments to any proper number; we may increase our irregular cavalry to 20,000, or a larger amount if expedient; we may, by the formation of local corps, and levies, and depôts, make our regular army wholly available for field service; we must then make the exertions, military and financial, which the exigencies of the crisis will suggest, and our vital interests demand. In the mean time, we must keep our expenditure within our income, else, when the prophesied event arrive, it will find us in a state of the worst kind of inefficiency —an inefficiency of resources which would be fatal, without a single blow from the enemy.

Let us, therefore, pause; let us maintain an army on its present establishment, without attempting changes and restrictions hurtful to its feelings, and consequently injurious to our best interests. Let us make it as efficient as we can without a great increase of charge; let us watch our finances, and if they improve, and afford the means, let us apply additional funds to increase the strength and improve the efficiency of our army in any mode most advisable. Any outlay that we can afford for this purpose will be well laid out, and it is not necessary to think of the battle of Armageddon or a Russian invasion to justify it. But our military efficiency in peace and ordinary times must be limited by our financial means. It is only in war and a period of necessity that we can venture to put out of calculation the difference between income and expenditure. Our financial difficulties, actual and probable, are those which are most pressing; and military speculations leading to great increase of expense ought to be suspended until they become unavoidable, or until we see our financial prospects brightening, and light shining through its present gloom.

DISTRIBUTION OF THE INDIAN ARMY.

[*May* 8, 1835.]

[Sir Charles Metcalfe always consistently maintained the inexpediency of frittering away our military force by dispersing it in detail at isolated posts, instead of concentrating it in large bodies at particular points for purposes of external defence and internal security. The subject has already been touched upon at page 180. The soundness and sagacity of the following more detailed remarks will commend them especially to the military reader.]

[EXTRACT.]—There is no doubt that the dispersion of the army into small bodies is a bad mode of distribution, and that its union and concentration in large bodies is highly desirable.

When the army is dispersed in small bodies throughout the country, it is difficult to collect a large force for any purpose.

It is positively difficult, because every cantonment requires a force for its protection, by which the force to be assembled for field service must be diminished; and further, because delay must be caused by the troops having to assemble from distant points, instead of being ready to move in one body, in consequence of having been previously united.

It is morally difficult, because, wherever troops are stationed, a general belief becomes established that troops are necessary there, and, consequently, a feeling of insecurity arises whenever the troops are withdrawn. If troops be really wanted in that

position, they will be most wanted when it is requisite to withdraw them; for the collection of our army for any important service is the signal for men's minds to think of change; and troops will at that time be required where they were not required before. It would be better that troops should not be stationed anywhere in time of peace for local protection, whence it would be necessary to remove them in time of trouble. It is better that the people should be accustomed to the absence of troops, than that the troops should be withdrawn when their presence is most requisite for either protection or coercion. If they can be dispensed with when everything tends most to raise up danger, either from external foes or internal disaffection, or professed plunderers, they can certainly be most easily dispensed with when all is tranquillity, and men's minds are not dreaming of revolution.

If we suppose a field force to be assembled from ten different stations instead of one, ten times the force would be kept back in the former case to what would be required in the latter for the charge of the cantonments and protection of the posts before occupied. If, for instance, the forces of Nusserabad, Neemuch, and Mhow, were required to form a field army, a regiment, probably, at the least would be wanted to keep charge of each cantonment during the absence of the main body—that is, three-elevenths of the whole body of infantry; but if the three stations were united, one regiment, or an eleventh part of the whole, would be sufficient for the same purpose, and the field force would be increased by a fourth or fifth, or as ten is to eight. At the same time, three parts of the country would be excited by the absence of the troops to which they had been accustomed, instead of one.

Concentration of force, however, must in practice have its limits. It would not be expedient, for instance, to concentrate the whole army of any Presidency at one point. It is obvious that the greater part of the country would in that case remain entirely unprotected, and exposed to any disaster. Thus the

distribution of the army is a nice question. There must be concentration for one purpose, and dispersion for another; and after admitting that concentration is the right principle, it may be found that dispersion is the inevitable practice, for a reason which will force itself on the mind the more the subject be examined; because the army is not sufficient for both purposes—that of forming armies for the field, for which concentration is desirable, and that of local protection, for which dispersion is unavoidable. All that can be done is to keep concentration in view, and avoid dispersion as much as possible.

Were I undertaking to distribute the army anew, without reference to its existing positions, I should proceed on these principles: On every frontier where there could be a foe, I would have a concentrated force, a division of the army, complete in all arms, and at the least sufficient for defensive purposes on any occasion which might unexpectedly arise; I would have similar forces in the interior, both as reserves and supports to the frontier forces, and to secure internal tranquillity. Wherever it might be necessary to move any of these interior divisions, in support of the frontier armies, a sufficient force should be left or substituted for the protection of internal tranquillity, because it is then that internal tranquillity most needs protection.

A calculation ought to be made of the force requisite for that purpose in each circle of territory, and that amount of force ought to be retained there in peace and in war, but especially in war, when it would be most wanted. All divisions or brigades of the army, intended either for field service against enemies, or for the preservation of general tranquillity in the interior, ought to be posted in the most convenient stations for the purposes contemplated, and for the health and supply of the troops, without reference to other merely local objects, in order that they may be available to move in any direction without the sacrifice of any such objects. The army ought to be dispersed as little as possible for merely local purposes, but whenever it may be necessary to post troops with reference to local

considerations, the force so posted ought not to exceed the strength requisite for the purpose in view, and ought never to be withdrawn in time of trouble. . . . . Wherever a single regiment ought to be stationed, unless it were for an important military purpose for which the most efficient description of force were deemed necessary, a local corps would answer as well as one of the line, and would enable us to release the line more from local duties, and have a greater available force than at present.

But it is almost idle to speculate in this manner. We have not the pecuniary means for a sufficient increase of our army; and if the distribution of what we have were attempted according to the principles stated, we should find that we have not near enough. We are obliged to post our troops according to local exigencies, and when we have a war we collect them as best we can, leaving local exigencies to shift for themselves. It would be well, however, always to keep in mind the expediency of distributing our army so as to have the greatest possible amount of force available for field service in any direction, and not locked up for local purposes. We may not be able with our present force to do much in this way, but attention to the principle may enable us to do something.

SURVEY OF THE INDUS.—DESIGNS OF RUSSIA IN THE EAST.

[*October*, 1830.]

A sense of duty induces me to offer some remarks on the papers recently received from Bombay regarding the contemplated survey of the Indus.

The scheme of surveying the Indus, under the pretence of sending a present to Rajah Runjeet Singh, seems to me highly objectionable.

It is a trick, in my opinion, unworthy of our Government, which cannot fail when detected, as most probably it will be, to excite the jealousy and indignation of the powers on whom we play it.

It is just such a trick as we are often falsely suspected and accused of by the native powers of India, and this confirmation of their suspicions, generally unjust, will do us more injury by furnishing the ground of merited reproach, than any advantage to be gained by the measure can compensate.

It is not impossible that it may lead to war. I hope that so unnecessary and ruinous a calamity may not befal us. Yet as our officers, in the prosecution of their clandestine pursuit, may meet with insult or ill-treatment, which we may choose to resent, that result is possible, however much to be deprecated.

It appears to me that there is no urgent necessity for the undertaking. It is more than probable that before we shall have to act on any information that we may obtain, we shall have more legitimate means of surveying the Indus.

The most legitimate means would be the consent of the Sind Government, and the other Governments having dominion over that river. If there were real grounds to apprehend the approach of a Russian army, and if the rulers of Sind entertained the same apprehension, they might be disposed to look to us for protection, and would then willingly allow us to make any surveys that we might desire. But by anticipating what is remote and uncertain, and to the rulers of neighbouring States imperceptible, we should pour our agents and surveyors, or, as they would consider them, spies, into their territories with every suspicious jealous feeling against us, and without any sense of common interest in our favor.

If there were any urgent cause for undertaking the survey of the Indus at the present time, we might apply for permission to the rulers of Sind, although, if it were refused, which would be very probable, we should be bound to desist from any public proceeding that would commit our Government.

We might nevertheless, either with or without such previous application, send persons *incognito* to survey and obtain information, without any ostensible commission, and without any protection, leaving them to take the chance of such treatment as they might receive if detected in an illicit occupation.

But to demand a passage for our officers under a fictitious pretence, and then to take advantage of the civility of the rulers of Sind to do that which we are conscious would not be allowed, appears to me to be ungenerous and unfair.

It must be remembered that the survey of the Indus or any part of the Sind country may give us the power to injure that State, may even assist us in conquering it, and in the course of events, is as likely to be turned to use for that purpose as for any other. The rulers of Sind, therefore, have the same right to be jealous of our surveys of their river and their territories that any power of Europe has to protect its fortresses from the inspection of foreign engineers.

It is stated in a late despatch from the Secret Committee that we must not permit the rulers of Sind to obstruct our

measures; in other words, that we are to go to war with them to compel submission to our wishes. With deference I should remark that such an assumption does not seem to be warranted by the law of nations. That surely is not an equitable policy which can only be maintained by the strong against the weak, and could not be asserted to a superior or equal power. But the assumption is an exemplification of what I have often observed in our conduct towards the Native States, and what appears to me the greatest blot in the character of our Indian policy, although I am not aware that it has attracted any general notice in England. However much we may profess moderation and non-interference when we have no particular interest of our own concerned, the moment we discover any object of pursuit we become impatient and overbearing, insist on what we require, and cannot brook denial or hesitation. We disregard the rights of others, and think only of our own convenience. Submission or war is the alternative which the other party has to choose.

Thus at the present time, because we have taken alarm at the supposed designs of Russia, it would seem that we are to compel intermediate States to enter into our views or submit to our projects, although they cannot comprehend them, and, instead of entertaining any apprehension of Russian designs, are more apprehensive of our own, our character for encroachment being worse than that of the Russians, because the States concerned have a more proximate sense of it from the result which they see in actual operation among the realms of India.

This course, which I trust need not be considered as actually determined on, seems to me both unwarrantable in principle and inexpedient in policy—unwarrantable, because we have no right, from any alarms that we may take up, to interfere with the rights and sovereignty of other powers within their own dominions; and inexpedient, because it would tend to defeat our own proper objects, which ought to be a cordial union of feelings and interests with those States, if ever the crisis which we anticipate should arise.

The cause of this agitation and busy investigation beyond our frontiers, is a supposition that we shall require minute information respecting all intermediate countries, to enable us to cope with the Russian power which is to assail us in India.

It is proper, therefore, to consider what is the nature of the danger that we have to apprehend.

No one, I presume, expects that a Russian army is to start from the present frontiers of Russia, and make one continued march across Central Asia, for the purpose of attacking us in our possessions in India.

Such an expedition seems next to impossible. The difficulties of marching a regular army through the intermediate countries, of supplying and feeding it, of repairing losses, of replacing wear and tear, of preventing the ravages of disease in new climates—above all, in the case of Russia, the impracticability of providing the enormous funds requisite for such an undertaking—these are obstacles to the attempt with a large army which seem insurmountable.

Difficulties in some respects similar, and in others of another nature, would attend the attempt by a small one. In addition to the reduction by sickness and losses by wear and tear, a small army might be resisted and destroyed by the troops of the intermediate countries; or if a remnant of it should reach our frontiers, we should most probably defeat and capture it, send every man down the Ganges to Calcutta, or down the Indus to Bombay, and land them all prisoners at Portsmouth.

The expense of a large army could not be defrayed by Russia, and a small one we should annihilate. Russia, besides, must be supposed to act with forethought. Is it to be imagined that Russia would send an army to India to attack a formidable enemy possessing great resources, without first establishing herself in the intermediate countries, and without knowing what her army would do in the event of success?

The defeat of our force on the frontier, whatever might be its temporary or permanent effect on our power, would not make Russia mistress of India. Her general would be much puzzled

how to act, even after the most brilliant success, and his attention would be much distracted. Cut off by intervening countries from reinforcements and resources, he would not find his army supported by the territory which it might occupy, and it might dwindle away, and be ultimately destroyed, from wasting and sickness, without making any progress in the conquest of India.

It may safely be said, I conceive, that a Russian invasion, in the way supposed, while the Russian frontiers are so remote from our own, is an event so improbable, that it may be pronounced, as far as anything can, impossible.

If we are ever to be troubled with a Russian invasion, it must be after an approximation of our frontiers; and whether this is to take place by advances on our side or that of Russia—whether she is to conquer the intermediate countries, or acquire influence over them—whether the event apprehended is to occur in ten or twenty years, or in fifty, or a hundred—what revolutions are to take place in the mean time in the intermediate States, or in India, or in Russia herself, or throughout the whole world—in what quarter she is to make her attack, and what will be the state of things when she may make it,—these are all matters of such uncertainty, that it seems mere wantonness to vex and alarm our neighbours by surveying their lands and rivers, by deceit or force, without their consent, and without knowing to what purpose.

I do not question the utility, abstractedly, of the information sought; but the value of all that can be obtained, without the cordial sanction and assistance of the rulers of the countries to be explored, may be greatly overrated, and cannot, in my opinion, compensate for the odium which will justly attend the course that it is proposed to pursue.

The most probable mode by which the Russians might attempt to assail us would seem to be by inciting the intermediate nations against us, by inciting the Persians, Afghans, Beloochees, Sikhs, &c., with themselves, for the plunder of Hindostan, and by pouring all these masses upon us. The inclination to reap booty in India is not wanting in the countries

of those tribes. Their traditions of the wealth obtained in former invasions have left strong impressions in favor of such enterprises. The very monkeys in Caubul are taught to flourish a stick, and evince delight when asked if they will march to Hindostan. But to produce the effect imagined, how many nations must be conciliated or subdued! and if subdued, not conciliated, how many rival and hostile interests must be reconciled, how many disturbances hushed! The requisite combinations of circumstances seem extremely improbable, and a length of time would be indispensable.

Among other uncertainties of this great question, is that of what our own conduct ought to be when the expected crisis shall arise. Whether we should meet the enemy half-way and fight the battle in foreign countries—whether we should defend the passage of the Indus and make our stand there, or await the foe on our own frontier, and force on him all the labor, and loss, and risk of coming the whole distance before we attack him—must depend so much on the disposition of intermediate countries, and other circumstances of the time, that it seems utterly vain to determine even our own course at this remote distance from the event.

We have no encouragement in bygone history to fancy that we can foresee future results. What politician has ever foretold the precise course which events have actually taken? That which we so confidently anticipate may never happen, or if it should happen, it may be in a mode totally unsuspected, that would baffle any preconceived schemes of combination.

> Prudens futuri temporis exitum
> Caliginosâ nocte premit Deus,
> Ridetque si mortalis ultra
> Fas trepidat, quod adest memento
> Componere æquus.

Twenty-two years ago the writer of this minute was employed to negotiate an alliance against a French invasion with a Native State beyond our north-western frontier. A French invasion was our bugbear then, as a Russian one is now. Abdullah Mehrou, at the head of a French army, was reported

to have reached Ispahan. But the Spanish insurrection broke out. Sir Arthur Wellesley beat the French at Roleia and Vimiera. The vision of Abdullah Mehrou and his legions vanished, and we thought no more of a French invasion.

If, therefore, I were asked what is best to be done with a view to a Russian invasion, I should say that it is best to do nothing until time shall show us what we ought to do, because there is nothing that we can do in our present blind state that would be of any certain benefit on the approach of that event.

The only thing certain is, that we ought not wantonly to offend intermediate States by acts calculated to arouse hostile feelings against us, but ought rather to cultivate a friendly disposition.

To insinuate ourselves with their consent into their territories, under a false pretence, in order to do that which we know they would forbid, and which cannot escape notice, is surely calculated to offend; while it so happens that, in order to cultivate a friendly disposition, we could not do better than by avoiding any forced intimacy; for either our character is so bad, or weaker States are naturally so jealous of the stronger, or our habits so distasteful, that no Native State ever desires connexion with us, unless it needs our protection. Excepting under circumstances rendering our countenance and aid essential, we cannot oblige our neighbours more than by desisting from seeking intercourse with them. If the time should ever come when it is needful for them, they will eagerly solicit it. No rulers have ever shown their jealousy of us more decidedly than the Ameers of Sind, which feeling we are about to stimulate afresh by an act which will justify its past existence, and perpetuate its continuance.

If the information wanted is indispensable, and cannot be obtained by fair and open means, it ought, I conceive, to be sought by the usual mode of sending unacknowledged emissaries, and not by a deceitful application for a passage under the fictitious pretence of one purpose, when the real object is another, which we know would not be sanctioned.

COMMERCIAL AGENCY AT CAUBUL.

[*June* 2, 1833.]

It does not appear to me that the establishment of a British agent at Caubul is requisite or desirable in any point of view.

The professed object of the proposal is the improvement of commerce. I believe that commerce will take care of itself best without our direct interference in the form of a Commercial Agency; and, if we sought to remove existing obstacles, our efforts would be more needed elsewhere than at Caubul, where the trade with India already receives every possible encouragement.

A commercial agent would unavoidably become, from the time of his creation, a political agent. To the extension of our political relations beyond the Indus there appears to me to be great objections. From such a course I should expect the probable occurrence of embarrassments and wars, expensive and unprofitable at the least, without any equivalent benefit, if not ruinous and destructive.

The appointment of an agent at Caubul would of itself almost amount to an interference in the political affairs of Afghanistan. It would be a sort of declaration in favor of the chief whose power is established at Caubul, in preference to his rivals at Candahar, Peshawur, and other places.

As a commercial measure, I consider the one proposed to be unnecessary; as a political one, undesirable; and, therefore, on the whole objectionable.

It will naturally be advocated by those who anticipate benefit

from attempts to create an influence in the countries beyond the Indus. Expecting only evil from such attempts, I would refrain from forcing on an unnecessary intercourse.

We have never, for many years past, been in want of intelligence of the state of affairs in Afghanistan. The stationing of an agent at Caubul, or any other place of importance, would of course render our intelligence more minute, but does not seem to be of much consequence with reference to that object.

I entirely concur in the approbation bestowed by the Right Honorable the Governor-General on Lieutenant Burnes, and in his Lordship's proposal to communicate to that able and enterprising officer the satisfaction of the Supreme Government.

[*Note.*—These two papers indicate the early period at which Sir Charles Metcalfe began to foresee the danger of our interference, under however plausible a name, with the affairs of the countries beyond the Indus. The Survey of the Indus and the Commercial Agency at Caubul were the *prolegomena*, so to speak, of the great epic of the Afghan war; and Metcalfe, in his correspondence both with Lord William Bentinck and Lord Auckland, argued and protested, with equal sagacity and earnestness, against measures which could hardly fail to entangle us in such a manner with the Trans-Indian States as eventually to evolve a great and calamitous war. He left India at a most unfortunate conjuncture. His services were never so much needed as at the time of his departure.]

AFFAIRS OF HYDERABAD.

[*May* 13, 1829.]

The Honorable the Court of Directors have ordered that inquiries be made for the purpose of ascertaining whether the officers employed at present in the performance of civil functions in the service of our native allies, may not be withdrawn, and their services altogether dispensed with.

I propose to offer my opinion on this question, with reference especially to the territories of his Highness the Nizam; but in order to show the progressive steps which have led to the employment of our officers in checking the mismanagement, or rather, the plunder of those territories, it is necessary to take a retrospect.

When our connexion commenced with the State of Hyderabad, mutual interests brought the two powers together.

Both had something to fear from Tippoo and the Mahrattas. Tippoo, although formidable to all the States of Southern India, was more especially our enemy. The Mahrattas, on the other hand, threatened destruction to the Nizam, and were more than once nearly effecting it.

The British Government, therefore, and the Nizam, had each a strong inducement to court the alliance of the other; and notwithstanding some differences, at one period, regarding the Northern Circars, the natural operation of similar interests maintained an amicable spirit, and tended to a more intimate union.

Accordingly, in both our wars with Tippoo, we had the alliance

and co-operation of the Nizam, and, although in the interval between those wars our cautious and prudent policy prevented our exercising any decided interference between the Nizam and the Mahrattas, our relations with the former were nevertheless undoubtedly serviceable to him in checking the latter, and probably had a share in saving the State of Hyderabad from destruction.

The downfall of Tippoo made a great difference in our relations with this Court. After that event the alliance ceased to have any feature of equality. Our protection was still necessary to the Nizam against the Mahrattas; but subordination to his protector was the price to be paid. It became our systematic policy to post our troops in the territories of our protected allies. All real independence was of course extinguished. The Nizam had to cede to us, in payment of the expenses of our subsidiary force, all the territories which he had acquired, as our ally, in our joint wars against Tippoo.

The next important step towards the completion of the Nizam's dependence was our interference with regard to the nomination of his Ministers. When first our negotiators appeared at the Court of Hyderabad, they had naturally sought to gain to our interests men of influence in the councils of the state; and those whom we did gain probably derived additional consequence from their connexion with us. There were then parties in the Nizam's councils, as in other independent States. Tippoo, the Mahratta power, and the French, had each advocates; but the advice of the English party, or, more probably, obvious necessity, prevailed, and the salvation of the State was entrusted to the British alliance.

The Minister during whose administration our alliance with the Court of Hyderabad was formed and perfected, was the celebrated Azim-ool-Omra, Aristoo Jah. He, however, was the Minister of the Nizam's choice; and whatever power he exercised was granted to him by his master, of his own free will. Entire confidence and mutual attachment existed between them, and it was not during the life of that prince that our influence was banefully exercised in the selection or support of a Minister.

From the time, however, of the completion of the subsidiary alliance, it seems to have been considered as essential that the Minister should be in our interests, and that we should support him with our influence.

The Nizam died before the Minister, to whom our support was continued, and then became efficacious. It does not seem to have been considered that the Nizam who succeeded could be allowed any option as to the continuance or removal of the Minister. Our Resident gave his Highness a clear understanding of what was intended, by observing to him, on his accession, that with such an ally as the British Government, and such a Minister as Aristoo Jah, his Highness's affairs could not fail to prosper.

Aristoo Jah accordingly remained Minister until his death, keeping his master, the present Nizam, during the whole time, in thraldom and insignificance, totally devoid of power.

On the death of that Minister, the Nizam announced his intention of taking on himself personally the management of the affairs of his Government. He naturally wished to avoid being again placed under a Minister independent of his authority.

The arrangement, however, which he contemplated for this purpose was objected to by our Government. We insisted on the nomination of a Minister with full powers. We asserted the right of having a Minister attached to our interests, and, consequently, of selecting one of our own choice, and, if requisite, of enforcing his nomination. This extremity, however, was not necessary. Meer Allum, whom we selected, was appointed by the Nizam, and was sole ruler for life of his master's dominions.

The Nizam made some effort to obtain a share of power in his own Government; but this was unpalatable to the Minister: the Resident gave decided support to the latter. The Nizam retired from the contest in disgust, and has never since taken any part in public affairs, but has led a life of gloomy retirement and sullen discontent.

Our influence, therefore, established the Minister at Hyderabad as a despotic ruler, without the consent of his master. In

all British interests he was subservient to the British Resident, and also in all private interests which the latter chose to advocate. In the management of the country the Minister was absolute, and had the support of the British Government against any opposition that he could not subdue with the means at his own disposal. Opposition to him was treated as hostility to us and disaffection to the English alliance; and as his interests were, by our system, identified with our own, and our utmost influence exerted in his support, it was scarcely possible that his enemies should not become ours, although the same might have been as willing as he to court our friendship, had we not made ourselves obnoxious to them by supporting the single individual against all competitors for power in the State.

After the death of Meer Allum, the Nizam again fruitlessly expressed an intention of placing himself at the head of affairs. He was pressed to nominate a Minister, and the following extraordinary arrangement took place. Mooneer-ool-Moolk, nominated by the Nizam, was made Prime Minister, but it was stipulated that he should exercise no power in the State. All the power was given to the Deputy Minister, Chundoo Lall, who was patronised by us. So that from that time, in addition to its sovereign prince, excluded from all concern in the management of his affairs in consequence of our interference, the State of Hyderabad has had a Prime Minister in the same predicament, as another effect of the same cause. The subserviency of the real Minister to our will has since been more complete than before: the suppleness of his personal character, and the lowness of his birth, aiding the natural effect of the dependence of his situation.

The next great step in the advancement of our influence and interference in the Nizam's affairs was the substitution, in lieu of portions of his own army, of troops of all arms—cavalry, artillery, and infantry—raised, disciplined, and commanded by British officers.

Our interference in the Nizam's army arose from an article of treaty, by which he is bound to furnish a certain amount of

auxiliary force in the event of war with other powers. The force furnished in former wars was not sufficiently efficient in our estimation. We began by a general superintendence of it, with a view to improvement; but the result has been, that above forty lakhs per annum out of the Nizam's revenues are appropriated to the maintenance of a force commanded entirely by British officers, under the exclusive orders and control of the British Resident.

This arrangement could only have been effected through the entire subserviency of the Minister, for it must have been quite revolting to the feelings of the Court and of the chiefs of the national army.

But it increased the personal power of the Minister, made him more than ever independent of the Court and people, enabled him more and more to triumph over his adversaries, and rendered his extortions of revenue irresistible.

The subsequent history of the Nizam's country, and of our further interference therein, turns entirely on the character of this Minister, Chundoo Lall.

His reign, for so it may be termed—his sovereign and his principal in office being mere pensioners—commenced in 1809, and continued absolute, and without any interference on our part in his management, until 1820.

At that period, so bad had been his misrule, and so deteriorated had the state of the country become under his absolute government, that the Resident, Mr. Russell, although far from disposed to find fault with Chundoo Lall, was compelled to urge the Governor-General in Council to grant him authority to introduce a reform. The authority was granted.

The causes which led to the admitted necessity for our interference in the Minister's management of the country are easily explained, and are such as would infallibly recur if the same absolute power, without check, were again left in the same hands.

Chundoo Lall's main object, from the establishment of his power, was to retain it. The instrument most serviceable in

his view for this purpose was money. He had money for any one whom he thought capable of aiding him. Besides his subserviency to the British Resident in all public measures, there was money in the shape of pension, salary, or donation, for any one whom the Resident recommended. Any gentleman supposed to have influence, directly or indirectly, with the British Government, could command a share of the revenues of the Nizam's country. This was the origin of his lavish waste of public money on Sir William Rumbold and Mr. W. Palmer and their connexions. Any native who was supposed to have influence with English gentlemen was also a fit object for bounty.

Chundoo Lall's views were not, however, confined to English influence. Whoever could aid him at Hyderabad, whoever could injure him, all found access to the Treasury. To make friends or to buy off enemies was managed by the same process. All were in pay. And many who might have been active disturbers of his administration, seeing little or no hope of effecting his removal, were kept quiet by a share of the public money. Superadded to these sources of excessive expenditure was the indiscriminate distribution of immense sums to mobs of beggars, for the sake of popularity.

The revenues were insufficient to meet such excesses; and the expenses of a year of war, added to the increasing cost of the force commanded by British officers, augmented embarrassment. Extortion and borrowing were had recourse to unsparingly, and to the utmost practicable extent. The former was augmented by the effects of the latter. Extortion and oppression went hand in hand; desolation followed.

It is remarkable that our interference was then for the first time exercised with a benevolent view to the protection and happiness of the Nizam's subjects. Every former act of interference, however subversive of the independence of the Hyderabad State, was dictated solely by a regard for our own interests, without any care or thought for the welfare of the

people whom we had delivered up to a ruler of our own selection.

The principal measures adopted in the first instance by the Resident, with a view to the improvement of the state of the country, depended for due execution on the Minister, and were consequently fallacious. It was not in his nature to become a check to his own extortions.

But it was indispensable for success in our interference that some check should be provided, and this was the sole object of the arrangements subsequently introduced, which have been in operation for the last eight years.

That purpose has been in great measure accomplished; and although it is very possible that of late the effect of our measures may have diminished from the decrease of wholesome distrust of the Minister, whose vicious conduct and incorrigible propensity to extortion were the real causes of our interference, there is still, I believe, no doubt that the unbridled oppression which before prevailed is greatly restrained by the checks which remain.

Neither the present Resident, nor the one who preceded me, entertain the same opinion of the Minister that I do. On the contrary, they both speak well of him. But it appears to me that their opinion is inconsistent with facts, and even with their own sentiments in other respects. For as all acknowledge Chundoo Lall to be an able man of business, I cannot see, if he were good also, and not possessed by the evil spirit of extortion, what ground there could ever have been for our interference. His notorious extortions and oppressions furnish a very intelligible ground; but those who are not sensible of their enormity, and who maintain that he is amiable as well as able, appear to me to be without a rational motive for introducing or continuing our mediation.

Nevertheless, Mr. Russell was the Resident who proclaimed the necessity of our interference; and the present Resident trusts to "the active superintendence of European officers" for every improvement that is to be expected; maintains that "our

interference was rendered necessary by the maladministration of the government;" and believes that the Minister, amiable as he considers him, "might still require to be directed by the control of a superior guidance."

My opinion of Chundoo Lall was first adopted from what seemed to be the universal sense of the Nizam's country; but it was fully confirmed by my own observation and experience. To the general feeling of the Nizam's country, and to that of every officer employed in its interior with opportunities of judging, more credit seems to be due than to the favorable opinions above noticed, which, if allowed unquestionable influence, would tend to mislead, and render that obscure and impenetrable which, rightly understood, is perfectly plain and simple.

The employment of European officers to check the native functionaries of the Nizam's dominions was forced on us by the unbounded oppression practised by the Minister, Chundoo Lall, for the purpose of extortion.

Our object has been in great measure accomplished. Oppression does not exist in the same degree. But the continued efficacy of our interference depends much on the Resident. The surest way to render it nugatory is to place undue reliance on the Minister. I fear that its operation is even now affected by that cause. Nevertheless, the checks which exist prevent the greater portion of the oppressions, which would rage without limit if our interference were withdrawn.

The particular form in which our check can most beneficially be exercised, is a question quite distinct from that of the necessity of its continuance, and of less consequence. Mr. Martin does not appear to be an advocate for that which was adopted.

From the sentiments which he has expressed, it would seem as if our system of village settlements had been an innovation, and a supersession of another system, to which, from long habit, the people were more accustomed.

He supposes the class of district officers, whom he designates

as Zumeendars, to have been the persons with whom revenue settlements had previously been generally concluded.

It is proper to explain what the persons are thus denominated Zumeendars, to which term very different meanings must be applied in different parts of India.

They are the Desmooks and Despandeeas, or district revenue officers, having different designations in different places, of the ancient Hindoo Government, which existed in the Dekkan before the Mahomedan conquest. They are strictly officers, not the landowners or landholders of the country. They have neither that right in the soil which we have bestowed on the Zumeendars of Bengal, nor that which is possessed by the village Zumeendars of Hindostan. They are paid by a percentage on the revenue, and by small portions of land, which they hold rent free.

It seems probable that in remote times, before the Mahomedan conquest, they were the sole managers, on the part of the government, of the districts to which they belonged, and the intermediate representatives and agents of the people in their transactions with the government; but this state of rule, if it ever existed, had been destroyed by the foreign government of the Mahomedans; and before our interference took place, all classes had been crushed by a tyranny, in which extortion was the only system that was allowed to exist.

The district officers had, in some parts of the country, from local peculiarities, maintained or acquired a greater degree of power and influence than in others, so as to make no description of their situation applicable with equal exactness to every part; but nowhere did they present a spectacle or a prospect of any system of which we could avail ourselves to protect the people against extortion.

Everywhere the government was represented by Talookdars, or district managers, who were contractors for the revenue, and in every other respect absolute. The Minister required from them a certain sum of revenue, and on that more and more, according to his wants or arbitrary caprice. If they paid, they remained

despotic rulers of their districts, and suffered fresh demands. If they could not pay, they were removed, and others sent who promised more, and paid a handsome Nuzzurana in advance. The Talookdars, knowing how precarious was their tenure, had no other object than to extort the utmost as rapidly as possible. If they thought it their interest to employ the Desmooks and Despandeeas in their exactions, they employed them; if more for their interest to set them aside, they set them aside.

Had there been any regular system in existence of which we could have availed ourselves, we should certainly have adopted it. Never was a reform attempted less in the spirit of innovation, or more free from the conceit of invention. In fact, the system of village settlements was adopted, precisely because it was no innovation, and was the only system that could not be an innovation. For from one end of India to the other, among Native States, it will be found that whatever local authorities may intervene between the governments and the village communities, the land revenue is assessed on villages, levied on villages, and recorded by names of villages; and so it must naturally be in a country wholly parcelled out among village communities, and where there is, perhaps, not a single spot of ground, to whatever purpose now applied, which could not be traced in the ancient records as belonging to some village, whether now in existence or otherwise.

What is a village settlement but the affixing of the amount of revenue which each village community has to pay to the government? A process which must have been gone through at all times in the Nizam's territories, whoever performed it, although it was notoriously done without regard to the people, and without any adherence to engagements.

I conceive, therefore, that the system of village settlements was less likely than any other that could have been devised to lead to innovation; and in the early settlements, of which I had cognisance, care was taken to prevent it in any way, unless the endeavour to secure to the cultivator the fruits of his in-

dustry, after paying the dues of his government, can properly be so called. The parties present at a settlement were the Talookdar, *i. e.* manager of the province, or an agent appointed for the purpose by the Nizam's Minister, or both of them; the Desmooks and Despandeeas, or hereditary officers of the district; the representative heads of the village communities; and a British officer presiding. The district manager, or Minister's agent, urged the interests of the Nizam's Government in favor of a high assessment; the village communities pleaded for a low one; the hereditary district officers were sometimes on one side, and sometimes on the other; there were the accounts of past assessments and collections, and the statements of actual capabilities to refer to; the persons present were those best able to give information; the settlement was concluded by the mutual agreement of the parties interested, under the control of the British officer, by whom the result was attested, recorded, and reported to the Resident, the Minister's agent doing the same to the Minister, who confirmed the settlement unless he saw reason to object to it.

It is very possible that some of these settlements may have been unequal, and that fraud and deceit may have been successfully practised; but still it is strange if the heads of village communities sat in silence and saw their own villages over-assessed, and others under-assessed, without an effort to effect a more equitable distribution of the burden, notwithstanding every encouragement to furnish information.

But supposing unequal assessments to have taken place, or equal assessments to have become unequal from subsequent causes, there was a ready remedy. An over-assessment could be reduced; an under-assessment, procured by false statements or other frauds, was open to revision. The only remediless case would have been an under-assessment in which there was no fraud, or deceit, or false statement. But such a one was not likely to occur; and if it ever happened, could not have done much injury.

The real obstruction to the success of these settlements con-

sisted in the rapacious disposition of the Minister, who, having once succeeded in obtaining an over-assessment through the intervention of a British officer, could scarcely ever be induced to agree to a reduction of it.

The same spirit, goaded by the necessities arising out of his wasteful and corrupt expenditure, has interfered with remissions, however necessary from other causes. The first settlements, concluded under our superintendence, were followed by several successive seasons unfavorable to production, and requiring consideration for the cultivators on the part of the government. Even during that period grain was getting cheaper. The fall of prices has been progressive throughout that part of India, requiring large remissions from all governments. If our measures in the Nizam's territories had not been attended with a great increase of cultivation and production, the diminution of revenue must have been immense. Notwithstanding that increase, owing to the fall of prices, remissions are in many cases necessary. But to these the Minister never willingly consents. The collection of the revenue is entirely in his own hands. We have never interfered with it; and he now practises that extortion, which was before unlimited, by exacting the full amount of assessments, rendered excessive by low prices, although originally equitable.

The Nizam's Government must submit, like all governments that are landlords, to the unavoidable consequence of low prices, a reduction of rent; and has no right to expect to keep up its land revenue to the standard at which it was assessed when prices were high, unless the increase of produce has been equivalent to the fall of prices.

Mr. Martin has unintentionally paid a compliment to our village settlements in the Nizam's dominions, by objecting to them that they are made with village communities, and not with individuals as proprietors of each village, which he supposes to be the character of our village settlements in the North-Western Provinces under the Bengal Presidency. He ought to have been aware, that where a settlement is made with

an individual as assumed proprietor of a village, the rights and property of the village community are annihilated; and that where it is made with the village community, their rights and property are preserved untouched.

I have dwelt so much at length on the subject of village settlements, because Mr. Martin's remarks seem to me less favorable to that method of exercising a check on extortion than they justly might have been. It was adopted as the only one likely to be effectual; I still cannot perceive any other so likely. I am also of opinion that it is applicable, with suitable modifications, to all parts of the Nizam's dominions, although its accomplishment had been more obstructed in some parts than in others.

But I am no stickler for any particular method, provided that our main object, which is to prevent extortion, be anyhow attained.

Mr. Martin informs us that he has abandoned the scheme of village settlements in Telingana, and allowed the former system of management to be restored. By the former system of management he seems to mean that the Minister is to collect as much as he can, through the intervention of the hereditary district officers. In fact, the village settlement was never completely accomplished in Telingana. The district officers, who were interested in counteracting it, had, from local peculiarities, sufficient influence to do so, with the ready connivance and aid of the Minister. Nevertheless, the village settlement, wherever carried into effect, even in that part of the country, furnished some means of checking extortion. It gave a knowledge of a demand beyond which the Government had no right to exact. If this ground of check has been abandoned without the substitution of any other, I must conclude that injury has been done by the change. If the power of check has been preserved, I should not be disposed to object to the Resident's exercise of his discretion as to forms; for I consider the principal purpose of our interference to be achieved if we can prevent undue exaction; and whatever interference may not be necessary for

that purpose ought to be avoided. Interference is in itself an evil, to which we have had recourse solely in order to remove a greater evil—unlimited oppression, which we ourselves were instrumental in causing.

On the whole, I see reason to apprehend that Mr. Martin's partiality for the Minister unavoidably diminishes his power of checking maladministration. There is no other reason whatever for our interference than the total faithlessness of the Minister's character, and his incorrigible propensity to unbounded extortion. To place confidence in him, and disregard the information of the officers appointed to check oppression, would be the sure way to defeat the purpose of our interference; and if it has taken place in any sensible degree, is quite sufficient to account for any falling off in the operation of our measures which may latterly have been apparent to the Resident.

I nevertheless am satisfied that our intervention does prevent the universal and unlimited extortion that would otherwise prevail, and therefore I should extremely regret the discontinuance of our check during the rule of the present Minister; for whose acts, as his power was established and maintained by us, we are undoubtedly responsible.

The time may come, and may not be far distant, when we may relieve ourselves from this embarrassment. It is not to be expected that the present Nizam could assume, even if he were allowed to do so, the independent government of his territories during the precarious remnant of his life of sickness. But on the accession of his successor, if the latter were to evince a character equal to the duties of his station—if he were to apply himself to the affairs of his government, and choose unbiassed his own ministers, we should then be at liberty to withdraw our interference, and could not be held responsible for any misrule that might ensue.

If, however, we entertain this view, we must guard ourselves against what is likely to happen on the death of the Nizam. The present Minister will, of course, endeavour to retain his

power, and will have many facilities for doing so. The Resident, it is evident, if not otherwise instructed, would give him the fullest support. But even without that support he would have great advantages. The Minister's actual possession of absolute power might have influence on the mind of an inexperienced prince, raised from privacy and retirement, it may be said from confinement, to a throne on which he had never previously seen anything but a cypher, subordinate to the ruling Minister. The idea, too, which would be inculcated, that he was indebted to the Minister for his succession, would naturally operate in favor of the latter. The belief also of Chundoo Lall's connexion with the British Government, on which that of Hyderabad must acknowledge its dependence, would further aid him; and it would be very difficult to remove the impression that his nomination would meet our wishes, although we might not exert ourselves to effect it, and were even to declare our neutrality.

It would not, therefore, be surprising if Chundoo Lall were continued in power by the next Nizam, without our recommendation. If the act were perfectly spontaneous, we should be relieved from responsibility, and might be at liberty to withdraw our interference. But if the choice were either directly or indirectly the effect of our influence and supposed partiality, we should hardly cease to be responsible for the shocking oppressions which would ensue.

At whatever period our interference in the civil management of the Nizam's country may be withdrawn, it must become a serious question whether our share in the military branch of its establishment ought not to cease also.

It would not be right to leave a force under British officers to become the instrument of the oppressions of a rapacious Minister; and it would not be just towards the Nizam's Government to deny the aid of a force to which so large a portion of its resources is appropriated, if it were required for the proper support of the government. To judge of the occasions on which it might or might not be employed by the Nizam's

authorities, would re-create that interference in civil affairs from which we are anxious to withdraw.

The existence of a force paid by a Native State, but commanded by our officers, and entirely under our control, is undoubtedly a great political advantage. It is an accession to our military strength at the expense of another power, and without cost to us: an accession of military strength in a conquered empire, where military strength is everything. The advantage is immense. But I cannot say that I think the arrangement a just one towards the Native State. The same circumstances which make it so advantageous to us, make it unjust to the State at whose expense it is upheld.

The subserviency of the Minister at Hyderabad has rendered this kind of force in the Nizam's territories a sort of plaything for the Resident, and an extensive source of patronage at the Nizam's expense. The temptation is difficult to resist, and it is more to be regretted than wondered at that the expense is increasing. It appears, from returns prepared in the Secretary's office, that the military and civil allowances paid by the Nizam's Government to British officers amounted, according to the earliest report received from Hyderabad, under date 1st January, 1824, to 11,11,098 Hyderabad Rs., the number of officers being 101; on the 28th January, 1825, to 9,16,260 Rs. for 83 officers; on the 1st March, 1826, to 9,99,420 Rs. for 101 officers; on the 31st December, 1826, to 11,34,828 Rs. for 116 persons; on the 31st December, 1827, to 12,48,696 Rs. for 119 persons; and on the 1st December, 1828, to 13,49,880 Rs. for 123 persons. The necessity for this increase in the last two years is by no means obvious. The intermediate decrease in 1824 and 1825 was no doubt owing principally, if not wholly, to the absence of officers during the Burman war, who must, however, have returned by the end of 1826.

It is not to be expected that we could withdraw entirely from all civil and military interference in the Nizam's Government with perfect and unalloyed benefit.

We must be prepared for mismanagement in the civil admi-

nistration whoever might be Minister: the loss of the force at our disposal would be a positive diminution of our military strength; and in future wars we should again have to complain of the inefficiency of the auxiliary force which the Nizam is bound by treaty to furnish. We must also be prepared, if we withdraw our officers, to see the formation of corps under European or East Indian adventurers, such as formerly existed in the Nizam's service.

Nevertheless, the restoration of independence to the Nizam's Government appears to me to be an object worthy of our attention, and worth some loss and some hazard, whenever it can be effectually accomplished.

But it must be borne in mind that this independence has had no existence since the last century, and that at present the country is governed by a Minister who is not the servant of his nominal master, but, in fact, is our dependant, and whose oppression and misrule compelled us to exercise interference in his management with a view to check extortion.

While such a state of things exists, it would, I conceive, be cruel and unjust to sacrifice the people again to his reckless rapacity by the removal of the check at present imposed, which in a great degree has proved efficacious, and, with a due distrust of the Minister, would be more so.

I should, therefore, recommend that no steps be taken at present to withdraw our interference in the management of the Nizam's country; and that we should wait until an opportunity may present itself enabling us to effect that purpose, without being responsible for any misrule that might ensue.

In the mean time, we ought to prevent any increase of the expense of the military establishment commanded by British officers and paid by the Nizam's Government, and gradually to reduce the expense now existing.

DUTY TOWARDS NATIVE STATES—INTERFERENCE AND NON-INTERFERENCE.

[*August* 14, 1835.]

[There is no subject which more frequently presses itself upon the attention of Indian statesmen than the amount of interference in the affairs of the Native States which may be rightfully and expediently exercised by the representatives of the Paramount Power. Both in the public and private correspondence of Sir Charles Metcalfe this question is frequently discussed; but the following passages, extracted from a lengthy and elaborate paper on the affairs of Jyepore, written as Governor-General in 1835, embrace at once the most comprehensive summary of the whole argument, and the most mature expression of the writer's opinions; and may, therefore, stand in place of all other discussions of the subject under the present head.]

[EXTRACT.]—The difference between the interfering and non-interfering policy is not that of interfering on all occasions and not interfering on any, because, as the predominant power in India, interference is sometimes forced on us, however reluctant we may be to adopt it. The difference is, that the upholders of non-interference avoid interference as much as possible, while the opposite party are rather disposed to avail themselves of every opportunity to exercise it; see occasions for it which the others do not; and assert the right of assuming it when the others would maintain that such a right does not exist, or is very questionable; and in every case in which the question is, whether interference shall be exercised or not, or to what degree it shall be exercised, every one will naturally be biassed by his preconceived opinion on the general question.

Both parties of course aim at the public welfare, and each advocates that line of policy which it deems to be best.

The interference policy appears to me to be arbitrary. We interfere in the affairs of foreign states as we like. We put up and put down princes and ministers at our pleasure; set princes over subjects, and ministers over princes, as we think proper. We do not allow the general feeling of the people to operate, but act according to our own notions of what is right and expedient. The bad tendency of this policy is manifold. It destroys entirely the independence of the foreign state, and paralyses its energies. It also throws the weight of our power into the scale of the government, and destroys the ability of the people to redress their grievances. It places us on the anti-popular side, and causes us to be detested. It relieves the native government from the necessity of conciliating its subjects, and of course promotes oppression. While we give this injurious support to the government, we scarcely ever interfere sufficiently to prevent oppression and misrule, and can hardly do so without taking the government into our own hands, and thus putting an end even to the semblance of independence.

Another evil of interference is, that it gives too much power to our agents at foreign courts, and makes princes and ministers very much the slaves or subjects of their will. An interfering agent is an abominable nuisance wherever he may be, and our agents are apt to take that turn. They like to be masters instead of mere negotiators. They imagine, often very erroneously, that they can do good by meddling in other people's affairs; and they are impatient in witnessing any disorder which they think may be remedied by our interference, forgetting that one step in this course will unavoidably be followed by others, which will most probably lead to the destruction of the independence of the state concerned.

It must be admitted to be an evil of the non-interference policy that temporary and local disorder may occasionally ensue, and must be tolerated, if we mean to adhere strictly to that

principle. But this is a consequence which we naturally dislike. We are not disposed to wait until things settle themselves in their natural course. We think ourselves called on to interfere, and some bungling or unnatural arrangement is made by our will, which, because it is our own, we ever after support, against the inclination of the people, and their notions of right and justice.

The true basis of non-interference is a respect for the rights of others—for the rights of all, people as well as princes. The treaties by which we are connected with Native States are, with rare exceptions, founded on their independence in internal affairs. In several instances the States are, with respect to external relations, dependent and under our protection, but still independent in internal affairs. It is customary with the advocates of interference to twist our obligation of protection against enemies into a right to interfere in the internal affairs of protected States—a right, however, which our treaties generally do not give us, otherwise than as the supporters of the legitimate sovereign against usurpation or dethronement, in the event of his not having merited the disaffection of his subjects.

There are, undoubtedly, extreme cases in which the interference of the protecting power may be unavoidable. Instances of prolonged anarchy, affecting others under our protection, are of that description. It may be said to be a defect of the non-interference policy, that it cannot in every possible case be maintained. The same objection would probably be applicable to any system of policy. It need not prevent the maintenance of non-interference as the system, admitting rare interference as the exception. There must, however, be a non-interfering spirit in the government and its agents, otherwise the exception will predominate over the rule.

There are two classes of States in India with which we have relations—those protected, and those not protected—which may be otherwise described as external and internal States, or those altogether beyond our exterior frontier, and those encircled by our dominions, or more or less included within the sphere

of our supremacy. The internal States are, in a greater or less degree, either specifically or virtually, under our protection, and it is to these that the question of interference or non-interference principally refers. The States of Sind, Caubul, Lahore, China, Nepal, and Ava, are external States, free as yet from any pretensions of interference on our part in their internal affairs. But the spirit of interference would no doubt soon find cause for the exercise of its withering and mischievous influence even in those States. If I recollect rightly, it has been recommended to me by our agents, east, north, and west. The sea being our exterior boundary to the south, is almost the only power that has altogether escaped the suggestion. We have laid the foundation for interference west and north-west by our treaties respecting the navigation of the Indus, which we are now about to promote by stopping it altogether. The question of interference at present, however, relates chiefly, or almost exclusively, to the internal States—those which by treaty or virtually are under our protection. With respect to these, we have no right to interfere in their internal affairs as long as they can govern themselves, and are inoffensive to others. But prolonged anarchy can hardly exist without affecting neighbouring States. The continuance of extreme misrule and oppression, if in the least degree supported, as it sometimes is, by awe of our power on the part of the people, ought not to be tolerated. Unjust usurpation, not caused by oppression, forces us to take a part, for we must either acknowledge, and so far countenance the usurpation, or we must refuse to acknowledge it, and so far oppose it; and we could hardly follow the latter course long without proceeding further, or dissolving our connexion with the State so situated. These are cases in which interference may be either necessary or justifiable; and it must be remembered, that in any case in which external interference is required, it can only arise from us. Other Native States are precluded from it, if of the protected class, by their relations with us; if beyond the circle of our supremacy, by our intolerance of their interference within it. Those remedies, therefore,

for internal distraction, which are available in communities of States less under the supremacy of one protecting and overawing power, cannot here be had recourse to. The British Government is the sole referee where reference is necessary. Absolute non-interference on every occasion is consequently impossible. There is, nevertheless, a wide difference between a reluctant interference, when it is unavoidable, and a disposition to rush into interference when it is not necessary; and in this consists the difference between the two systems of policy.

The advocates for interference would probably maintain that it is right to anticipate mischief and prevent it by decided interference, and, as disorder will sometimes follow our adherence to non-interference, there would be much weight in that argument, if our interference were always productive of good. But we often create or aggravate mischief and disorder by injudicious interference, and prevent a natural settlement of affairs, which would otherwise take place. One of the strongest arguments in my mind against interference is, that it is more apt to work evil than good. There is nothing in our political administration that requires so much circumspection, and caution, and discreet judgment, as interference in the affairs of other States. A single mistake on the part of an agent may cause irreparable mischief; and the power left to agents on such occasions is immense. Almost everything depends on their judgment. The effects of interference are anything but certain It is not, therefore, a conclusive argument in favor of interference, although it is the best, that we may thereby prevent evil; for, on the contrary, we are just as likely to create it; I should indeed say, infinitely more so. And the evil created by interference is generally irremediable. It virtually, if not ostensibly, destroys the State to which it is applied, and leaves it only a nominal, if any, existence.

As a diplomatic agent, I have had a part in carrying into effect both interfering and non-interfering policy, and the result of my own experience has left two strong impressions on my

mind—first, that we ought not to interfere in the internal affairs of other States if we can avoid it; and, secondly, that if we do interfere, we ought to do so decidedly, and to the full extent requisite for the object which we have in view. Our attempts to interfere for the better government of other States have often been wretched failures as to our purpose, but have nevertheless had all the bad effects of interference on the States concerned, as well as on the minds of other States. Where interference shall begin, and where end, and to what object it shall be confined, and how that object shall be accomplished without involving further and unnecessary interference, are all nice points to determine. The question of interference altogether is, indeed, the most difficult of any in Indian policy; but interference is so likely to do evil, and so little certain of doing good, that it ought, I conceive, to be avoided as much as possible. The evils of non-interference may certainly be such sometimes as we would not like to permit to continue, but their effects are generally temporary, and leave the State independent in internal affairs as before. The effects of interference are permanent, and degrade the State for ever, if they do not destroy it. Another consequence of interference is, that it subjects us to the suspicion, which is always alive against us, and to the reproach of incessantly striving to increase our dominions, and to seize those of others. We have thus the evils of appropriation without its benefits. Such is the effect of our occupation of Shekhawuttee, Toorawuttee, and Sambur. A further evil of interference is, that it involves us, on account of other people's affairs, in expenses which we can neither ourselves afford to pay, nor contrive to make others pay, owing to their poverty.

On the general question of interference, therefore, it appears to me that the following would be proper rules for our guidance:

1. To abide by treaties, and respect the rights of all foreign States, and not to interfere in their internal affairs when it can be avoided.

2. When compelled by necessity to interfere, to do so with care, that the State concerned may not be permanently affected in an injurious manner by our measures.

3. To interfere only so far as may be indispensable for the accomplishment of the object which is the cause of interference.

4. To interfere decidedly and effectually for the purpose required, and not to leave it unaccomplished.

5. All the cases of necessity for interference cannot perhaps be described, but the following are those which most obviously suggest themselves:—1. General disturbance produced by internal disorder, but extending beyond the limits of the disturbed States, and affecting other States. 2. Prolonged anarchy, with its evil consequences to the people, without a hope of the State's being able to settle its own affairs. 3. Habits of depredation affecting other States, which last would be a just cause, not for interference merely, but also for war and conquest, if we chose to assert our right. 4. Unjust usurpation, devoid of legitimate claim, or opposed to the choice of the people, which, with reference to our supreme power, we must either sanction or put down.

Applying these principles to the state of affairs at Jyepore, it does not appear to me that the case for interference in the internal administration of that principality is established. It is not a case in which absolute non-interference is practicable, because we have already interfered to some extent; but we may abstain from such further interference as is unnecessary. We cannot permit anarchy to prevail, and we must lend our countenance to the Government which exists, but we need not commit ourselves to prevent the establishment of a better, if a better or a more popular one can be formed with a prospect of benefit to that State. Actual interference in the executive administration of the Government is not required, for we do not hear of notorious oppression, or misrule, or want of power in the Government; and it could not, under any circumstances, be advantageous

unless it were carried to such an extent as would place the whole executive authority in our hands, confirm all the prevalent opinions of our systematic encroachment, and draw upon us all the odium of aggression; a state of things which, instead of seeking, we ought, in justice to ourselves, most studiously to avoid.

RUSSIA AND PERSIA.

[*November* 9, 1828.]

[EXTRACT.]—Having concluded my remarks on the contents of Sir John Malcolm's minute, I now proceed to submit my own notions on the general subject of that document—namely, on the state of relations which it is desirable to maintain with Persia. He who offers objections to the views of another is bound to exhibit his own, in order that they also may undergo scrutiny.

I am far from imagining that the progress of Russia in the conquest of Persia is a matter of indifference to us. So far from it, that if I could perceive any certain ground to conclude that Russia would be deterred from further progress by our entering into an intimate defensive alliance with Persia, I should readily advocate such a measure.

But I have no such expectation. It is not consistent with the independence and greatness of one of the' largest empires ever known in the world, to submit to our dictation in its transactions with a State with which it has always hitherto had separate relations; and we cannot undertake the defence of Persia without regarding a war with Russia as a probable consequence.

A war with Russia in defence of Persia, whatever might be its results in other respects, would most probably fail as to its original object, and Persia be subdued. At all events, I cannot conceive that it would be wise policy in us to lay the founda-

tion of a war with Russia by taking on ourselves the responsibility of the protection of Persia. I would infinitely prefer, if necessary, that Persia, which power has not the slightest claim on us, should be left to her fate, and that we should husband our resources to meet the evil when it may become inevitable; avoiding any premature anticipation of the struggle.

Time works changes in all things—in empires as well as in smaller affairs. It will work changes in Russia, in Persia, and in India. A few years hence a great difference may take place in the condition of all these countries. Our power in India is not stationary. It will become stronger or weaker. It is now essentially weak; if it do not become stronger, it will scarcely be worth preserving; and it will be hardly possible to preserve it. But whatever may be the state of things at any future period, I cannot imagine the utility of precipitating a hostile collision with Russia; and that, too, in behalf of a power whose good faith, in the time of our own need, could not be relied on in the slightest degree, and whose utmost aid to us would consist in her own preservation, which she could not probably accomplish, against Russia, in the event of war, without, or even with, our assistance.

Our true policy, therefore, it seems to me, is to devote our attention to the improvement of our Indian Empire, fostering its strength, without prematurely going in search of danger, by anticipating its due season.

What then have I to propose regarding our relations with Persia? It is this: To maintain them on the most friendly terms that will not involve us in stipulations likely to lead to an unnecessary war with Russia. There is no necessity for pretending indifference as to the fate of Persia. The interests of Persia and of British India are to a certain degree in union. We need not conceal that we desire her preservation. We need not hesitate to use our best endeavours to promote it by all means consistent with the maintenance of friendly relations with Russia. Nay, even occasions and events may possibly occur in which it would be politic to afford Persia active as-

sistance against that power. But let us keep ourselves free to do what is wisest and best under all circumstances. Let us not embarrass ourselves by engagements which may be ruinous in their consequences, for which Persia cannot make any adequate return, and which, on her part, would not be kept one instant beyond their agreement with her own convenience.

The continuance of a mission at the Persian Court, for the purposes of maintaining our relations on the most intimate footing of friendship consonant with the policy premised, and of securing accurate knowledge of all that passes between Russia and Persia, seems to be proper and desirable; what should be the envoy's rank, and whether he should be accredited from the King or the Company, appear to be points of minor importance. For whatever influence we may possess in Persia must be derived, not from the official designation of the envoy, nor from the expensiveness of his establishment, but from the consciousness of Persia that our friendship is beneficial to her. With respect, therefore, to the footing on which the mission is, I do not perceive any very urgent cause for change. The less expense the better; but provided that the expense of our political relations in Persia do not exceed that of a first-rate Residency in India, it may, I conceive, to that extent be tolerated. I am not sensible that there was any advantage in increasing the expense of the mission from what it was in the time of Sir Henry Willock's charge.

The employment of British officers in the armies of Persia may prove useful, as circumstances may arise in which their local knowledge may be serviceable to their own country. Information appears to be wanting as to the allowances actually received by the officers so employed from the Persian Government. At present they draw from the Company full field-pay and allowances—a privilege which they alone now enjoy of all the officers not actually employed in the military service of the Company. If the allowances drawn from the Persian Court constitute, with the Company's pay, an adequate compensation for their services, they might, as to Company's allowance, be

put on the same footing with all other officers employed by foreign States. If, on the other hand, their Persian allowances do not afford, with their Company's pay, any adequate compensation, they might retain their present privileges, if the eventual usefulness of their local knowledge should be deemed to justify their employment on those terms.

Admitting the expediency of retaining a mission at the Persian Court, and of allowing the employment of officers in the Persian service, it nevertheless appears to be very necessary that all our transactions with the Court of Persia should be constructed on a footing of equality; and that the notion entertained by that Court, and hitherto practically sanctioned by us, of levying contributions on us, without return, should cease to be nourished by our proceedings, when it would soon cease to exist. Let Persia feel that we wish her well, and acknowledge a common interest, but let her not imagine that we are willing to pay tribute for the continuance of friendly relations.

Revenue and Judicial.

DEFINITION OF LAND REVENUE.

In their letter of the 27th of June, the Board define the land revenue of Indian Governments as consisting of a portion of existing land rent. It is not quite clear in this definition what is meant to be described as land rent. It may mean a rent received from the cultivator by an intermediate landlord; or it may mean that portion of the produce which is termed rent, in the technical division of produce to parts, under the terms, wages of labor, profits of stock, and rent. In either case it would, I conceive, be more correct to define the land revenue of Indian Governments as consisting of a portion of the gross produce, for such is the fact. Go into any village and inquire what is the revenue or right of Government. You will be told that it is a half, or a third, or whatever it may be, of the crops. You will not be told that it is a portion of a rent received by some intermediate person, nor that it is a portion of a technical division called rent; but you will be told plainly, where it is described as a portion of anything, that it is such a share of the crop. It may be a fixed sum on particular produce, or on the land itself; but if it be described as a portion, it will be a portion of the gross produce. I think, therefore, that in defining the land revenue of Indian Governments as consisting of a portion of existing land rent, the

Board, whatever they may mean, have unnecessarily mystified the question, the Indian land revenue being generally a portion of the gross produce.

I am apprehensive that the opinion of the Board, defining the State revenue to be a portion of rent, may lead to confusion in the assessments; the State revenue being a portion of the gross produce, of which portion the Government may either take the whole, or remit a part to the landowners as deduction from the demand, or grant a part to the persons employed in collecting it as payment for trouble, or a part to revenue contractors as compensation for risk, at its own option.

These observations may be exemplified by what took place at the permanent settlement of Bengal. The Government claimed what was supposed to be its lawful revenue, according to established precedent, being that which a native governor would have been entitled to under the same circumstances. Then, from that sum of revenue, one-tenth or one-eleventh was allowed to the revenue contractor, whom we nominated proprietor, as his income from his assumed property. He was prohibited from taking more from the landholders under him than the Government share of produce, or fixed rates of assessment prescribed as Government revenue. That was the elected proprietor's rent, and if the Government revenue had been a portion of the proprietor's rent, would it not have been atrocious that it should have been nine-tenths or ten-elevenths? Could that ever have been termed, without ridicule, a portion? On the other hand, speaking of rent, not as the income of the proprietor, but as one of the technical divisions of the produce of land, can one-half of the gross produce, which is the most general division of the crop between the Government and the cultivator, be fairly stated as a portion of the land rent? What is the real fact in either of these cases? Not that the Government revenue is a portion of the rent, but that it is a very large portion of the gross produce. And where is the utility of representing it to be anything else? When the Government made perpetual contractors for the revenue in Bengal, and called

them proprietors, it did not take a portion of their rent; it took its own revenue, and gave them a portion out of it—that is, a tenth or an eleventh.

FIELD ASSESSMENTS AND VILLAGE COMMUNITIES.

The Board adhere to the opinion that Ryutwar, or permanent field assessments, cannot be introduced into the Western Provinces; but I remain unconvinced on that point.

One reason assigned by the Board in support of their opinion is, that the regulations require a settlement for the revenue of an entire village in one sum for a term of years. If a measure supposed to be desirable were impeded to no good purpose by a bad regulation, nothing would be more easy than to remove the obstacle by a better regulation; but even under the regulation described, I see no impossibility in introducing permanent field assessments into a village, of which the entire revenue might be settled in one sum for a term of years. The entire revenue of a village consists of the revenue of its separate fields. Every proprietor's field might be permanently assessed, the total of these assessments would form the revenue of the entire village, which might be settled for a term of years, during which the village proprietors might have the benefit of any new cultivation; at the end of the term a permanent assessment might be fixed on the newly-cultivated fields, leaving the permanent assessment of the old fields unaltered; unless in any instance it might prove to have been too high, in which case it might be lowered; the permanent assessment of the new fields, joined to that of the old, would form the new assessment of the entire village for another term of years, and so on.

I only mean by these suggestions to explain in what mode I conceive it practicable to reconcile a permanent field assessment with a village settlement for a term of years, but I am not now recommending this plan as one that I would wish to see generally adopted. As long as a village community remain

united and friendly among themselves, I should always regret any interference on the part of Government in their internal concerns; but from the moment when litigation and dissension begin to destroy the happiness and prosperity of the village, and to drag its concerns before our judicial tribunals, the field assessment, in my opinion, is the only remedy that will save the community from ruin, and preserve to every individual his just rights. After a permanent field assessment for each separate landowner, a village settlement for a term of years with the community would not be necessary, although, as above shown, the two proceedings do not seem to me to be irreconcilable.

The Board further remark that settlements in the Western Provinces can have no connexion with the assessment of fields, because the actual cultivators of the soil are not the parties with whom the officers of the Government have to deal. Here, again, I am obliged to differ from the Board. The actual cultivators of the soil, in innumerable instances, either are, or ought to be, the parties with whom the Government officers have to deal. The real landowners and the actual cultivators of the soil are for the most part the same persons, and when that is the case, the actual cultivators are precisely the persons with whom the Government officers ought to deal, and with whom, individually and separately, field assessments might be made for each field. When the actual cultivators are not the landowners, the same thing might be done with the landowners, leaving to them to settle with their cultivators. But by landowners I mean the village landowners, the actual owners of fields, not the overgrown creatures of our regulations, who, under the designation of recorded proprietors, or any other, falsely pretend to have the property of entire villages. I am only contending for the practicability of field assessments, not being able to agree with the Board in their sentiments to the contrary. I do not advocate field assessments, except where dissension has destroyed the unity and energy of the village community.

PROPRIETARY TENURES.

The Board express the opinion, and as far as my knowledge goes I concur in it, that the rights of persons connected with the land are not so complicated and various as has been supposed. They acknowledge two descriptions of proprietary tenures in village lands: one, general, over the whole of the lands of the village; the other, particular, in particular lands. I understand the Board to mean, that in some villages the lands are the common property of the community of proprietors, and that in others the lands are separated into private properties of individuals. In this statement I agree, and I wish that the Board would always bear in mind that the real landed proprietors of India are the members of the village communities, whether they enjoy their property jointly or separately; and that where village communities exist without the acknowledgment of their proprietary right, in one or the other of the modes mentioned, and where individuals, belonging or not belonging to the village community, and especially in the latter case, pretend to be sole proprietors of villages, there is reason to suspect misapprehension or usurpation, and ground for revision, or at least for inquiry. It may not be universally, as I suppose, but it will, I think, be found to be so generally throughout India, where our regulations and practice have not destroyed the native institutions, or where they have not been destroyed by other means.

THE PERMANENT SETTLEMENT OF BENGAL.

There can be no doubt that the cultivation of Bengal must have greatly increased since the formation of the permanent settlement; but this is no proof that it would not have greatly increased, with good management, under other modes of settlement. Cultivation has greatly increased in the Western Provinces since they came into our possession, whether more or less proportionately, in comparison with Bengal, I have not the means of knowing, but the increase has been immense, and

increase of revenue has accompanied it, which of course has not been the case in Bengal. Taking into account the greater difficulties that cultivation has to contend with in the Western Provinces, I doubt whether it has not increased there as surprisingly in the same space of time as in Bengal. The probability, however, is, that cultivation will increase more under a permanent settlement than any other, although great increase may take place without it.

But what was the price of the Permanent Settlement in Bengal? We not only relinquished the right of the Government to any further revenue from land, which was undoubtedly a great sacrifice, but what was much worse, we destroyed all the existing property in land, by creating a class of proprietors to whom we recklessly made over the property of others. By the power of adhesion existing in Indian institutions, it is probable that in many instances the ancient rights have not been entirely overthrown. The new proprietors may have found it their interest to maintain them to a certain degree. But they are virtually destroyed by the title of property over the whole land conferred by us on those who had no pretensions to it, and they must ultimately be extinguished when it suits the interests of the regulation proprietors to give the finishing blow.

The Board, in their admiration of the Bengal permanent settlement, designate the noble author of that measure "the great creator of private property in land in India." Private property in land in India existed long before Lord Cornwallis, and his permanent settlement tended to destroy it. If I were tempted, in imitation of the Board, to designate that revered nobleman, with reference to that measure, by any other title than that by which he is immortalised in the annals of his country, I should say, with the fullest respect for his benevolent intentions, which never contemplated the injustice that he committed, that he was the creator of private property in the State revenue, and the great destroyer of private property in land in India; destroying hundreds or thousands of proprietors for every one that he gratuitously created.

PROPRIETARY RIGHTS.

[*November* 29, 1832.]

[The preceding extracts, made from a long and elaborate paper on the Land Revenue of the Upper Provinces of India, afford a general view of Sir Charles Metcalfe's opinions on some of the more important questions connected with the great subject of Land Revenue, and are therefore inserted as a preface to the more detailed disquisitions, on individual points, which follow. The opinions expressed are substantially the same as those given, under Part I., in the papers on the Revenue Affairs of the Delhi Territory.]

In offering some notes on the Minutes recently laid before the Council, recorded by the members of the Revenue Board in the Western Provinces, I shall preface what I have to say by a few words on a subject which has of late been often mentioned, and which occurs again in these documents; that is, regarding proceedings in assessment from the detail to the aggregate, or from the aggregate to the detail. It seems to be supposed, because Sir Thomas Munro went back from the aggregate to the detail, that he had not, in the first instance, gone from the detail to the aggregate. But it appears to me that every aggregate must be composed of the detail; that every assessment must be founded on the detail; and that although the detail may be dispensed with when there is sufficient information from other sources to make it unnecessary, still, if accuracy

be intended, the detail must be had recourse to in every new assessment. The thing to be guarded against is the tendency of an assessment formed rigidly on the detail to become excessive; to prevent which, allowances must be made in the aggregate assessment, which render it necessary to go back from the aggregate to the detail, in order to effect the fair apportionment of the assessment. It is remarkable that Sir Thomas Munro should be constantly quoted on this point, when it seems clear that the system of settlement on which he ultimately rested was a distinct settlement for every field at established rates, without reference to any aggregate, and that the aggregate of any village or district assessment in his hands must have been the aggregate of these field assessments. How an aggregate can be anything but a putting together of details, I am at a loss to conjecture; and although loose settlements may be made, with an unobjectionable and even beneficial relaxation of the just demand of the Government without minute attention to the detail, it is only when the inaccuracy is on this side that it can be tolerated, for, bending the other way, it would be ruinous. Even in such cases the aggregate must be the result of former details, and will be accurate so far as the actual details agree with the former, and will be beneficial or ruinous to the agricultural community assessed, accordingly as the actual details are in amount above or below the former. As no agricultural community can pay an aggregate of revenue exceeding the amount of the detail, it seems evident that every realised assessment founded on a supposed aggregate without regard to the actual detail, must be a relaxation of the Government demand, which, if not carried to too great an extent, is generally unobjectionable. I have been led into these remarks by the commencement of Mr. R. M. Bird's minute on the Rights of Resident Ryuts, in which it seems to be supposed that the Madras mode of assessment was independent of a knowledge of details.

I concur generally with Mr. R. M. Bird in his opinion that our Government has unnecessarily and uselessly, I would add

unjustly, created rights in the persons of Zumeendars, Talookdars, &c., which did not before exist, and that the Ryuts or cultivators have the first claim to our consideration; but he appears to class all Ryuts or cultivators together as having equal and the same rights. On this point I differ from him, for there are, I conceive, cultivators who are owners of the land which they cultivate; others, who have a right of permanent occupancy without being owners; others, who hold lands on leases for defined periods; others, who are mere tenants at will from season to season. To assume, as Mr. R. M. Bird seems disposed to do, that all these classes of cultivators hold equally from the government and possess equal rights, would, it appears to me, produce great injustice, and destroy rights now existing and which have existed, not only before the establishment of our government, but from time immemorial. Although it may not be possible to lay down definitions which shall apply to all parts of India, I should say generally, that the ownership of the land is held by members of the village communities, either individually, in separate and distinct portions, or collectively, subject to internal arrangement; and that there are in the village communities some members who are landowners, and others who are not, and who may belong to any of the other classes of cultivators above described. It is with the acknowledged landowners that the government has to deal, although entitled, as revenue, to a share of every part of the produce of the cultivation, and it is from the owners that the other cultivators hold their lands, either permanently or for fixed periods, or from season to season at will.

Mr. R. M. Bird appears to be of opinion that the portion of produce to be taken as revenue may be fixed by the mere will of the ruler. I cannot concur in that opinion. Everywhere the portion in kind, or the sum in money, due as revenue to the government, is understood and acknowledged, and the government which should attempt to exact more would be execrated as oppressive, and would most probably be resisted. It may be, that in former times, at some distant period, the demand was

arbitrarily increased, but that which is now acknowledged is wonderfully uniform, considering the great space over which the same revenue system extends, whether under British, or Hindoo, or Mahomedan governments. The government may take as much less than the acknowledged dues as it will, but it has no right to take more. The government may be said to have the right of committing any other act of oppression as well as this. The right of the government in land revenue is known and limited everywhere, but the tax is generally so high that it cannot well be higher. The question with our government must always be, how much it can be lowered consistently with provision for the expenses of the State, but there is no difficulty, I conceive, in ascertaining what the right is in any part of India.

Mr. R. M. Bird is of opinion that the Ryuts have a right to have their rents fixed by the authority of government (that is, the rents which they pay to the Zumeendar, or other fictitious proprietor, whom we now begin to designate the rentholder), and that the Ryuts have a right to occupy the land so long as they regularly pay the rents fixed by government.

Both these questions must, I conceive, depend on the real situation of the Ryuts. We are apt to term all cultivators Ryuts, without regard to their different circumstances; but the circumstances of those who are often included in that general denomination may be very different. If a Ryut be a tenant at will, holding land from the owner, he has no right to have his rents fixed by the authority of the government. His rents are fixed by mutual agreement between him and the owner of the land, and if he be dissatisfied with them, he may throw up his land on the termination of his engagement, and seek better terms elsewhere, or persuade the landowner to lower his terms.

If the Ryut be a farmer, holding a lease of lands for a limited number of years from the owner, he is in the same situation as in the former instance, with this difference, that the mutual agreement is binding for a longer period.

If the Ryut have a permanent right of occupancy in village lands, without being one of the owners, his rents are settled by the laws of the village; the same laws which confer on him a permanent right of occupancy.

If the Ryut be an owner of land, his rents are fixed either by the government assessments, settled with the community of village landowners, or by that community—including himself as one—by internal arrangements after the settlement of the government assessment.

If the Ryut be one of a community of landowners over whom we have established one of our fictitious regulation-proprietors, he then, I think, has a right to have his rents fixed by the authority of government, because, otherwise, his ownership of the land will in time be destroyed by the increasing demands of the regulation-proprietors, a result which we are bound to guard against, if we do not wish to commit great injustice. Where the Ryut is a landowner whose right to deal directly with the government is obstructed by the intervention of our manufactured proprietor, I am of opinion that he is entitled to that interference in his favor which Mr. R. M. Bird recommends. I would strictly defend the rights of village communities against the regulation-proprietors, and extend that protection to those who, by the village laws, have a right of permanent occupancy, as well as to those who are owners of the land; but Ryuts who hold on lease, or are tenants at will for a season, must abide by their engagements with the landowners.

Mr. R. M. Bird seems to be of opinion that there is no class of occupiers of land between the mere cultivating labourer and the regulation-proprietor, and that all Ryuts are alike, and in the same predicament. In these opinions he is, I conceive, mistaken, and I should expect that he would find all of the different classes of Ryuts that I have described in numberless villages in the Western Provinces.

In Mr. R. M. Bird's remarks on the respect paid by all preceding governments to the proprietary rights which exist in India, and on the destruction of those rights which is the con-

sequence of our auction sales and manufactory of proprietors, I entirely concur, as well as in his views of protecting the village communities against the encroachments of our proprietors; and from his remarks regarding Peishkust Ryuts, in the latter part of his minute, I perceive that he does not propose to extend interference to tenants of that description, in which, after what I have already said, I scarcely need add that I agree with him.

I cannot do so in his sentiment that all resident cultivators are equally entitled to have their rents fixed by the government, without reference to the term of their residence. Their right must depend on the nature of their tenure, and on the conditions under which they are residents and cultivators.

If, for example, a cultivator has become a resident in a village, under engagements with the Zumeendar or regulation-proprietor, those engagements must fix the rent which the cultivator has to pay to the Zumeendar. It would not be just in such a case, on the part of the government, to step in and fix the rent to be paid by this cultivator to the proprietor, by mutual agreement with whom he has recently come to reside in that village. The proprietor must, of course, observe his engagements, whatever they may have been, but the direct interference of the government to settle the terms of their relationship, seems to be entirely unnecessary.

I need not say that I am no advocate for the regulation-proprietors of our creation. I consider their creation to have been an enormous error, which has not been attended by any benefit whatever; but having created them, and declared them to be proprietors, we gave them, I conceive, after the reservation of the government revenue, all the rights of property that it was in our power to give—that is, all the rights that did not previously belong to others. We had no right to destroy the pre-existing property of others, in order to confer it on our new-fangled proprietors; we could not legally or justly give them a single field which previously belonged to others; but we could, and did, give them the right of the government in every field in their Zumeendaree, and we superadded the full pro-

perty in lands not owned or occupied on a permanent tenure by others. Having done so, although we have a right and are bound to protect the ancient cultivating proprietors and occupants in all their rights, whatever they were, and ought to be ashamed of ourselves for not having done so, we have no right to step in between our proprietor and the cultivator of his own planting, on lands declared to be his own property, with a view to destroy the engagements which they have mutually entered into, and prescribe others of our own fashioning. "Give the devil his due;" I would let the regulation-proprietor have all his just rights. It could never have been intended, when we created proprietors, that they were to be merely entitled to a percentage on the revenue. It was meant that they should be really proprietors, which they are, and ought to be in every case in which that would not affect the previous rights of others; but as we had no power—that is, no lawful power—to take away the rights of others, we have not given them one jot of those rights, and are bound to maintain the ancient proprietors and holders of permanent rights against those of our own creation. Thus, in village communities, although we may have put a proprietor over them, we have no right, I conceive, to allow him to infringe on the rights, laws, or customs of those communities, nor to exercise any greater degree of property or interference in the lands or internal affairs of those communities than the government would itself have exercised if this incubus had not intervened.

With reference to Mr. R. M. Bird's "Note on Zumeendars and Putteedars," I shall at present content myself with remarking, that there is much in that "Note" in which I concur, and, considering the important situation held by that gentleman with respect to the revenue management of the Western Provinces, that I rejoice at the desire which he evinces to maintain the rights and customs of the village communities. On the subject of the regulation which he proposes, I shall only say that our legislation in revenue matters appears to me to have been hitherto so unfortunate, that I would rather avoid any legisla-

tion that is not absolutely necessary; and further, that I am peculiarly apprehensive of any legislation that might lead to interference in the village communities. As I do not consider the regulation suggested by Mr. R. M. Bird is now before us for decision, I do not think it necessary to enter on a minute examination of its details.

Neither do I think it necessary to offer any detailed remarks on Mr. R. M. Bird's "Note on Acceleration of Surveys, &c." In many of his sentiments I concur. With reference to the 36th paragraph, I do not comprehend why the mode of village management therein described as existing in some instances in the Dihlee territory, "does not, nor can exist in the regulation provinces." I cannot see why it should not have existed before our rule, nor why it should be precluded by our regulations; and I think it probable that it does exist in some instances, unknown, perhaps, to the higher revenue authorities; for where a large village is divided into separate sections, each inhabited by a distinct community, the mode of management described is a very natural arrangement, each section constituting in most respects a separate village.

I have derived great gratification from the perusal of the "Notes" by Mr. R. M. Bird, which have been above adverted to. They appear to me to evince great practical ability, and a zealous desire to promote the rights and interests of all parties concerned in our revenue arrangements.

From the remarks which I have already made on Mr. R. M. Bird's proposition to fix the rents payable by all resident Ryuts to their lands, it will have been seen that I concur in the sentiments expressed by Mr. Fane, in his minute of the 4th September, against that proposition as one of universal application. Landowners and permanent occupants appear to me to be entitled to have the rents payable to the regulation-proprietor fixed, if they desire the intervention of the government for that purpose; but mere tenants on lease or at will must, I conceive, abide by their engagements with the landowners, of whatever class the latter may be; and I see no reason

for the interference of the government to regulate rents, which will more properly be settled by mutual adjustment.

I also concur in the opinion recorded by Mr. Fane in the 7th paragraph of the same minute, on the subject of expediting the revision of settlements.

Mr. R. M. Bird's minute of the 22nd September, which concludes the series of documents forwarded by the Western Board of Revenue to the Governor-General on the 25th September, does not appear to require much further remark. In that gentleman's sentiment, that "the maintenance of rights of our own creation" cannot justify "the destruction of rights which existed before our own name was even heard of in India," I fully and cordially concur; and as far as he would extend protection to those entitled to those rights, I should go along with him; but he seems to me to be disposed unnecessarily to extend the same privilege to classes who have no such rights, and who had them not before the introduction of our rule.

LONG LEASES.

[*June* 29, 1832.]

[EXTRACT.]—For settlements on long leases I have always been an advocate. A temporary loss of revenue may be incurred in such settlements; but it is revenue put out to interest. The landowners have encouragement, and obtain the means to improve their products; and the government revenue is eventually increased, together with their prosperity. If the land revenue is to continue to be the chief resource of our Indian Government, and the revolution which is to find a substitute has hitherto made no progress, that scheme of revenue must be the safest and the best which unites the improving prosperity of the landowners with the increasing revenue of the State. A sacrifice of equitable land revenue, without a certain prospect of its return in some other shape, is an experiment which is likely to be attended with permanent injury.

I am no advocate for annual settlements; but if settlements are to be made annually, the process will depend on the object in view. If the object be to take the right of the government in full, an annual scrutiny of the crops will be necessary, and the payers of revenue would prefer this method, in which no man would pay more than is justly due from him, to a fanciful settlement, according to qualities of soil, which may be very erroneous, very unequal, and to some ruinous. But if the object be to make a moderate settlement, the taking of actual produce as the equitable basis does not render a scrutiny necessary. The actual produce—the surest test of productive power—having been once ascertained, an annual scrutiny is not requisite, unless it be demanded by the revenue payers to pre-

vent an apprehended over-assessment. This basis does not preclude any liberality or indulgence that the government may see fit to exercise.

In making a settlement for a term of years, with actual produce as the basis, it is not necessary to take the produce of the year of settlement as the sole criterion. A settlement for a term of years, which is an equitable adjustment of the demand of government during a period subject to vicissitudes, must be made with reference to so many considerations, that whether ascertained produce or productive powers be assumed for a general assessment with a community, the difference will be nearly nominal. But actual produce must not be lost sight of, for no community will be able to pay revenue on a classification of soils, unless the produce correspond. And if the settlement go into the detail of fields and individual payments, attention to the produce will be still more necessary, for no man will be able to pay more revenue than his produce will yield, however high his land may stand in the classification of soils. And whatever classification of soils we make, the collection of revenue in the village, unless the government interfere incessantly and most obnoxiously to prevent it, will go on according to actual produce; and the attempt to prevent it will cause the dissolution of the village community. In the case supposed in the Right Hon. the Governor-General's minute, the village growing wheat, if assessed according to wheat, would very probably begin to cultivate sugar-cane, and having reaped a profit sufficient to recompense them for the labour and expense incurred in that operation, would at the next settlement yield a higher revenue with the same ease as in the first it paid a lower, and with more profit. The village producing sugar-cane, if equitably assessed according to that article, would pay its proper revenue with the same ease as a village producing wheat, and would not be likely to abandon its sugar-cane cultivation for any other less profitable.

The classification of soils appears to me to be liable to great mistakes, and errors in assessments are often productive of irre-

mediable evils. The classification, agreeably to their productive powers and under ordinary culture, conveys no definite idea. A sugar-cane field, a wheat field, and a juwar field, adjoin each other; the soils are the same, but the wheat field and the sugar-cane field have been brought by the necessary labor and expense to their several degrees of superiority. Which is the ordinary culture? Whoever maintains that the State is not to derive benefit from the improvement of the cultivation in soils of the same quality, must answer, the juwar. Then must the assessment on all be reduced to that on the juwar? If this theory were put in practice universally, the greater part of the revenue would vanish, and India be lost.

ASSESSMENT OF LAND YIELDING VALUABLE PRODUCE.

[*Decemb* 20, 1830.]

[The opinions expressed in the concluding part of the preceding extract had been previously enforced by Sir Charles Metcalfe in the following Minute, called forth by a despatch from the Court of Directors, declaring the unwillingness of that body to allow lands yielding valuable produce, as cotton, sugar, tobacco, &c., to be assessed at a higher rate than other less productive soils. The object of the Court was to encourage the development of the resources of the country. To the objections raised on the score of loss of revenue, they answered, "We are aware that when a tax is abolished, the revenue which it yielded ceases to be received."]

The basis of all our revenue settlements is the acknowledged right of government to a portion of the produce or crop of the cultivated land. When this is not taken in kind, it is commuted for money; but the assessment is according to the value of the crops which the land generally produces. In this way the increase of the revenue and that of the agriculturist's income, the demand of the government and the cultivator's means of meeting it, all correspond.

If the meaning of the Honorable Court be, that assessments are not to be made according to the value of the produce, or,

in other words, that the assessment on land bearing valuable crops is to be reduced to the assessment of land bearing poorer crops, without any other change in the existing mode of assessment, then, I fear, a great diminution of revenue must be expected.

If, on the other hand, it be intended that all land of a certain quality shall be assessed at the same rate, whether it be cultivated with valuable crops, or poor crops, or no crops, in that case, I fear, there will be a diminution of revenue from the inability of the cultivators to meet the demand, and a great transfer of land from the owners to speculating adventurers, who will undertake to do what the owners cannot, and, consequently, a vast destruction of property, happiness, and rights.

It often happens that a cultivating landowner is able to appropriate a portion of his land to the cultivation of sugar-cane, which is one of the most valuable crops; but this being an expensive cultivation, he may not have the means of extending it to all the land of the same quality, which therefore bears less valuable crops produced at less expense. If the government relinquishes the customary assessment of the valuable crop, without increasing that on all land of the same quality, there must be a loss of revenue. If the assessment on all land of the same quality be raised to a fixed standard, without reference to the value of the crops produced, it may be much heavier than the former assessment made according to the value of crops, and the landowner may not be able to pay it. Then the collector will probably offer the land to a speculating farmer, and the owner may be ousted from his land, to the destruction of his property, his rights, his respectability, his honest pride, his happiness, his comfort, and his subsistence.

The land revenue is the chief support of our power in India, and it is dangerous to tamper with it. It is no less cruel to destroy the rights of the cultivating class of our subjects. I much fear that in one way or the other, if not in both, the orders of the Court of Directors may do much mischief, if not explained or modified so as to prevent such effects.

I do not think that these orders, whatever may be their object, are either required or likely to be beneficial under this Presidency. In lands under the permanent settlement they cannot of course have any effect. In lands already assessed for a term of years, they will be inoperative, because, during the period for which the settlement is fixed, the owners may cultivate whatever crops they prefer, without being liable to any additional assessment. It is only at the time of assessment that the orders can operate, and then it appears to me they must produce either loss to the revenue, or injustice to the landowner.

As the Revenue Board at the Presidency, when we issue the instructions directed by the Governor-General to be conveyed, may probably apply for explanation, I am anxious that we should know more distinctly the precise intentions entertained by his Lordship, in order that we may endeavour to give effect to them. I beg leave, therefore, to propose that the matter be referred for his Lordship's consideration and further orders.

If the value of produce is to go for nothing, and have no influence in assessments, what system of assessment is to be adopted? What rules are to be prescribed for the details? I believe all existing rates of assessment on land to be founded on the estimated value of the produce of that land, varying in various provinces according to various circumstances, but all founded on the same basis, and having the same object. If the value of produce is to be put out of the question, what is to be substituted? Is the lowest rate of land assessment to be universally adopted? or the highest? or a medium? Do what we will, the value of produce must be the groundwork of every land revenue settlement, and I am, therefore, at a loss to comprehend the meaning of the Honorable Court's order, which proscribes it as a thing not to be regarded.

JURISDICTION OF THE CROWN COURTS.

[*April* 15, 1829.]

[The very able and important Minute from which the following passages are taken is too lengthy to be given in its integrity. It was called forth by the contest then raging between the Supreme Court of Bombay and the Government of that Presidency—a contest provoked by the usurpation of the former. The Minute contains an elaborate examination of the clauses of the Charter constituting the Bombay Court, and defining its powers; and concludes with a suggestion for the amalgamation of the Supreme Courts of Judicature with the Company's Sudder Courts at the three Presidencies in a manner resembling the system proposed under the act of 1853. The paper is altogether very characteristic of Sir Charles Metcalfe's simple, but forcible style of argumentation. Of the circumstances which evoked it there is scarcely any difference of opinion in the present day.]

It is necessary to determine whether, in matters of doubtful dispute, the Government or the Court of Judicature at the several Presidencies shall be supreme; whether the Government must in every case submit to any exercise of judicial power which the Court may assume; or the Court be restrained by the will of the Government, whenever the latter may be sensible of political reasons of sufficient importance to induce its interference, either to resist a new assumption of power, or to suspend the exercise of one doubtful, or dangerous, which may have been before admitted.

To me it seems quite clear that the supreme power ought to rest with the Government; and that in any case in which the exercise of the powers of the Court might be deemed injurious

to the safety or welfare of the State, the Government ought to possess authority to suspend the functions of the Court, as regarding that particular case, and the Court be bound to acknowledge and abide by the restrictive power of the Government, pending a reference to superior authority in England.

In arguing for the possession of restrictive powers by the Government in India over the Court of Judicature, I only propose what, as I conceive, exists in every country in the world—a saving power in the Government, for the benefit of the State, over all parts of the governing machine, of which the judicial department is one.

There is no danger to the national power in England from an undue stretching of the authority of courts of justice. There is no probability there that the courts can misunderstand their functions. But if there were any chance, either of error or of mischief, the Legislature is at hand to restrain or rectify.

What the Legislature is to courts of justice in England, the local government in India ought in reason to be to courts here; that is temporarily, and until the result of a reference to England can be known. If not so perfect and satisfactory an instrument of control as the Imperial Legislature, it is the best that can be had on the spot. And unless it can be maintained that the Government must submit, whatever may be the consequences, to any extension of jurisdiction that any court of its own pleasure may assume, it must follow that a provisional and temporary restrictive power ought to be vested in the Government; for it can never be supposed that a disgraceful contest between the two powers, as separate and opposed to each other, ought to be exhibited to conquered India to excite the anxiety and fears of the well-affected, and the hopes and ridicule of the disaffected and hostile.

When such a contest commences, there are no means of stopping it, in the present state of relations between the Government and the Court. The Government cannot sacrifice its subjects to an assumption of power which it believes to be illegal. The Court, having once declared the assumption to be

legal, considers itself interdicted from rejecting any application founded thereon; and from listening to any compromise, or suspension of the power. It regards and treats the members of the Government as so many culprits, who are punishable for contempt of the King's Bench. The feelings of the parties become engaged in the quarrel. Each thinks it dishonorable to yield. The Government will not give up its native subjects to laws and jurisdictions to which they have never before been held amenable. The judge conceives that he is supporting the independence of the British Bench, and maintaining a praiseworthy contest against lawless interference. The struggle is interminable, and may be renewed continually by fresh cases involving the disputed point.

At this immense distance from the control of the mother country, there surely then ought to exist a local authority, invested with power to put a stop to these unseemly contentions. If it can be said, with any justice, that a court of law may push its authority to any extent, and that no apprehension of consequent mischief and anger can justify a government in refusing obedience, then let it be determined that the Government must in all cases submit to the will of the Court. It would be better that the supremacy of the Court should be acknowledged and known, than that room for contention should remain.

There are, nevertheless, reasons why the supreme power should rest with the Government, and not with the Court.

The political power of a state exercised by its legislature is everywhere superior to the judicial, which is subordinate, performing only the functions conferred on it by the former, which are liable to any modifications that the legislature may enact.

Against this it may be urged, that the real legislature for British India is the National Legislature in England, and not the local government; but, on the other hand, the local government, performing locally the functions of political administration, approaches nearest to the representation of the distant

home government; while the judicial court cannot properly represent the legislative power.

Moreover, the occasions on which the Government and the Court are likely to be involved in disputes are when the Court is extending its own jurisdiction beyond its former limits, that is, assuming powers not before exercised. The check, therefore, ought to be visited elsewhere; for we know from experience, that the Court is not likely to check itself, the exercise and extension of power being at all times enticing to human nature.

The Court in such cases may be said to be the aggressor, and the Government on the defensive. It is more equitable, therefore, that the Court should be required to pause, than that the Government should be compelled to submit to new assumptions.

No new assumption by the Court can take place without drawing more within its jurisdiction our native subjects, already amenable to other courts established for their protection. They can only look to the Government for defence against the exercise of power by an authority to which they have never considered themselves subject; they are entitled to this defence; and the Government ought to have the power of affording it.

The restraining power, contended for herein on the part of the Government, should be exerted, of course, with due consideration and forbearance, and subject to serious responsibility.

If it were deemed inexpedient to confer it on the subordinate Government of each Presidency, it might be confined to the Supreme Government; or the exercise of it by the subordinate Governments might be subject to the confirmation and revision of the Supreme Government, which course would rectify the possible errors of local irritation, without impairing the efficiency of immediate remedy.

Next to the importance of preventing unseemly contention between independent British authorities in this distant region,

by conferring somewhere the power of local supremacy, pending a reference to England, it is very desirable that the powers to be exercised by his Majesty's Courts of Judicature, that is, the extent of their jurisdiction, should be accurately defined.

Out of the want of clear definition and of general understanding arise all the disputes which take place; for respecting the acknowledged customary powers of the Courts there are no disputes.

It is unquestionably due to our native subjects that they should be informed to what Courts and to what laws they are amenable. At present they are amenable to the Courts established in the provinces in which they reside, and subject to a modified code of native laws, both in civil and in criminal matters; but suddenly, by some legal hocus-pocus, incomprehensible to them, they find themselves dragged into the jurisdiction of a Court of English law, armed with tremendous power, from which there is no reprieve; where they are beset by unintelligible forms and bewildering complexities, and ruined by intolerable expense.

It never could have been intended by the British Legislature that our Indian subjects should be amenable to two sets of Courts, and two codes of laws; but such is now the effect of the gradual extension of the jurisdiction of his Majesty's Courts, some of the steps in which have been imperceptible, or at least unnoticed.

When his Majesty's Supreme Court was first established in Bengal, it was understood that its civil jurisdiction extended to claims against the Company and against British subjects, and to claims of British subjects against native subjects in cases wherein the latter had agreed to submit to its decision; and its criminal jurisdiction to British subjects and to persons in the service of the Company, or of any British subject at the time of the offence.

The establishment of this power, independent of the local Government, was soon followed by disputes, disreputable in their circumstances, and dangerous to the public safety.

The Court had not been long in the exercise of its functions when it extended its practical jurisdiction indiscriminately to all natives, nothing more being necessary to procure a writ against any of them than an affidavit that the person sued was within the jurisdiction.

The collection of revenue and the administration of justice in the provinces were obstructed by writs of Habeas Corpus; and prisoners brought up by these writs were set at liberty by the Courts.

Neither the government exercised by the Company, nor that of the Newaub of Moorshedabad, was respected. Both were declared subordinate to the Court. Had the usurped powers of the Court been allowed to proceed without check or opposition, the Government must have been destroyed.

The powers assumed, the pleas by which they were maintained, the tone of self-superiority, and of contempt for the local Government, which mark the proceedings of the Court at that time, are remarkably similar to those which appear in the recent proceedings of the Court of Bombay.

The proceedings of the Supreme Court of Bengal having been loudly complained against, its powers were restrained by a subsequent enactment.

Since which, either from a better understanding of the intentions of the Legislature, or from mutual moderation in governors and judges, or from the submission of governments to gradual but quiet encroachments, until the present contention at Bombay, there has not been the same degree of misunderstanding and dispute regarding the powers of the King's Courts; but it is evident, from what is now passing at that Presidency, and from what has before happened, both at Madras and in Bengal, that the seeds of dissension still exist in the undefined condition of the jurisdiction of all the Courts.

The Courts at Madras and Bombay were established at different periods subsequently to that of the establishment of a Court in Bengal. The charter of the Madras Court differs in some degree from that of the Calcutta Court, although intended,

avowedly, to confer only the same powers. The Bombay charter is formed, I presume, on the model of that of Madras.

Besides jurisdiction over all British subjects, the Courts have an acknowledged jurisdiction over native subjects residing within the appointed limits of the several cities designated Presidencies. The disputes which have occurred, and are likely to occur, refer to the extent of the Courts' jurisdiction over native subjects beyond those limits.

We have seen a native of India, lately a servant of the King of Oude, but residing within the British frontier for refuge, arrested on a false allegation of debt, many hundred miles away from Calcutta, by an officer of the Supreme Court, and placed in the power of his pretended creditor and undoubted enemy, on some legal fiction of his being a constructive inhabitant of Calcutta, in consequence of dealings with parties residing there.

If such a plea brings natives within the jurisdiction of the Supreme Court, there is not a mercantile native residing in any part of India who is not amenable, for all of them have commercial agents or dealings in Calcutta.

To call any one a constructive inhabitant of Calcutta who has never been within many hundred miles of the place, whatever it may be in law, seems an outrage against common sense. And to arrest such a one at that distance by a writ from the Supreme Court, he never dreaming of his liability to such jurisdiction, being at the same time amenable to provincial Courts and provincial laws, must surely be considered as a gross violation of natural justice.

It may be reasonably presumed that the Legislature did not intend to confer such jurisdiction on the Court; but we know that it has been assumed.

We have seen property seized in the most remote provinces under the Bengal Presidency as the property of a bankrupt firm of Calcutta, and made over wholly to another firm of that place, on a bond, although creditors of the bankrupt firm, and claimants against it, were present in those provinces; although

the transactions on which they claimed took place in those provinces; although the very property seized was properly their own, never having been paid for; although they were entirely ignorant of the existence of those peculiar laws which at once took away their property and deprived them of all means and all chance of recovering any part of the debts due to them. The awe of the Supreme Court deterred the local authorities from attempting to maintain the right of the local creditors. Can any one say that this is justice to our native subjects, or that a Court a thousand miles distant ought to possess a jurisdiction so partial to the few, so destructive to the mass?

We recently heard that a native, not residing within the Court's jurisdiction, nor amenable to it, according to common understanding on any other account, was to be tried before the King's Court on the charge of a crime committed beyond the limits of the jurisdiction, in order to establish the principle that all natives, notwithstanding those circumstances, might be brought before the Court for trial. I do not know how this matter ended; but if the trial took place, it was certainly a new encroachment, and will form a precedent for further extension of jurisdiction.

We have still more recently had occasion to observe, that landed property in the provinces beyond the limits of the Court's local jurisdiction is somehow brought within its jurisdiction, that it is decreed away from one party to another, or attached and sequestered at the Court's pleasure, and that European officers of the Court are appointed receivers of the rents; by which the regulations of the Government for the administration of the provinces are set at nought. It is the opinion of the Advocate-General that the Legislature did not intend to confer on the Court the powers thus assumed, but that they have been too long exercised to be now successfully combated.

The instances above mentioned have occurred in the proceedings of the Calcutta Court, where we undoubtedly have able, upright, moderate, and conciliatory judges.

What is here required is a clear definition of the extent of

the Court's jurisdiction with regard to native subjects resident beyond the limits of its local jurisdiction; and it cannot be denied that this definition is necessary, unless it can be affirmed that it is just to expose our native subjects to the operation of two sets of laws and of two independent jurisdictions.

The Court at Madras at one time assumed the power of executing its writs in foreign territories, acted on the assumption, and attempted to justify it by reference to its charter. This erroneous conception of the Court's powers was reported to England. The opinion of high legal authorities was given against it, and communicated to the judges at Madras. The pretension has not since been revived; but there is nothing to prevent its renewal, if adopted by any judge in time present or to come.

The Madras Court has assumed the power of destroying the sovereign rights of the Government by decreeing to others public revenue granted by the Company to an individual. The exercise of this assumed power, if unresisted, might alienate in perpetuity the whole of the public revenue, which, in virtue of its sovereign rights, the Government might grant in assignment under limitations as to time and persons. Moreover, the sovereign acts of the Government, in the disposal of its public revenue beyond the limits of the Court's local jurisdiction, being once rendered liable to subversion by the fiat of the Court, no security for the revenue or for the possession of India would remain. A limitation of the Court's powers on this subject, therefore, is also necessary.

At Bombay, the Court has, within my recollection, sent its bailiffs into a foreign territory to seize a subject of a foreign Government. No pretension of this kind, I imagine, could be maintained by any Court. It may, therefore, be supposed that the act was committed by mistake, owing to false swearing. And it is remarkable, with regard to the proceedings of the King's Courts in India, that any writ, however injurious to the individual affected by it, may be obtained by false swearing. Two persons have only to swear that a native is liable to the

Court's jurisdiction, and he may be dragged to the Presidency from his home, distant a thousand miles, in a country and climate extremely different, although he be not in the slightest degree by law amenable to the Court's jurisdiction. This matter, in justice to our native subjects, certainly demands a remedy. Such are the forms or practice of the Court, that its most questionable powers prior to trial may be wielded with all their irresistibility, at the discretion of the attorneys, with little or no check, or even knowledge on the part of the judges.

One of the powers recently assumed by the Court at Bombay is that of releasing native convicts condemned according to law by the Provincial Courts. This power being assumed, it is only necessary that one or two persons swear that such an one is illegally confined, and forthwith issues a writ of Habeas Corpus, addressed to the magistrate of the district, or the gaoler, or some officer of the Provincial Court, ordering the bringing up of the convict before the King's Court. The return, that he has been sentenced to imprisonment by the Provincial Court, is not deemed sufficient. The King's Court does not recognise the existence of any right in the Provincial Court to punish. It professes to know nothing of the powers of such a Court. The Provincial Court itself must come to trial. It must be proved to the satisfaction of his Majesty's justices that such a Court exists, and has power to punish, and that the Government has the right to institute such a Court; else, without further ceremony, and as a matter of course, the prisoner is released.

The exercise of this power by the King's Court, with regard to prisoners sentenced by the Judicial Courts established throughout the interior of British India, seems to be quite incompatible with the independent existence of those Courts. Either the King's Courts ought to be restrained from interfering with separate judicial institutions which they cannot efficiently control, or they ought to be connected and blended with those institutions in one united establishment for the due administration of justice. Their interference at present is neither necessary for justice, nor, if necessary for that purpose, could it

be effectual under the present system over the immense extent of territory subject to the Provincial Courts. It must now tend to produce mischievous counteraction, to bring into contempt the local Government and its judicial institutions, and to impair the administration of justice.

Similar powers were assumed by the King's Court when first established in Bengal. Prisoners of the Provincial Courts were then brought up in like manner by writs of Habeas Corpus and released. But since the powers of the Court were restrained the practice has ceased, and its assumption by the Court at Bombay does not profess to be founded on those precedents.

Another power assumed by the King's Court at Bombay, but resisted by the Government at that Presidency, is that of taking native wards out of the hands of their guardians and bringing them to the Presidency to be disposed of at the pleasure of the King's Court, neither the wards nor their guardians being subject to its ordinary jurisdiction.

If the Court possesses this power legally, there is not a ward in British India whose affairs may not be brought within its jurisdiction: interested parties have only to swear that the ward is illegally detained by his guardian. The whole native property of our dominions may successively be drawn into the chancery of the King's Court, the Court all the while acknowledging that its ordinary jurisdiction does not extend over the parties. What is the difference, whether the jurisdiction be called ordinary or extraordinary, if it be assumed and exercised. If it had been intended that the natives of India and their property should be liable to the jurisdiction of the King's Court, they would not, it may be presumed, have been placed under a separate jurisdiction.

Every power exercised or assumed by the King's Court, or any other, is of course professedly and intentionally for the purpose of rendering justice or redressing a grievance; but it seems to be forgotten that an extension of jurisdiction over those not before amenable to it may be oppression instead of justice.

According to the present practice of the King's Courts, a native of the snowy mountains of Himalaya, not amenable to the Court's jurisdiction, and utterly unconscious of the existence of such a Court, may be dragged a distance of twelve hundred miles or more to the swamps and jungles and stifling heat of Bengal, merely to show that he is not amenable to jurisdiction, and go back again, fortunate if his plea be admitted, and if he do not perish from the contrast of climate.

If it be deemed really necessary that our native subjects, without regard to distance of residence, should be amenable to a Court of English law, rules ought to be framed to let them know clearly that they are so, or how they may become so.

But it ought never to be, that the jurisdiction should remain undefined, and subject to unlimited extension, at the pleasure of the judges.

Who does not know that it is natural to human frailty to seek an increase of power? The judges are generally well disposed to extend their jurisdiction. The barristers and attorneys of the Court have the strongest inducements of personal interest to urge the extension, as their profit and their livelihood depend on the quantity of business brought within their jurisdiction. In reason, the Court ought not to have the power of determining its own jurisdiction. Yet it holds its power in this respect to be absolute and indisputable.

. . . . . Enough, I trust, has been said to show that we are bound in duty to give to our native Indian subjects greater certainty as to the jurisdiction to which they are amenable, and greater security against liability to two independent jurisdictions than they now enjoy.

With a view to promote this object, I shall proceed to submit for consideration two schemes for the regulation of the jurisdiction of the King's Courts in India: one to explain and define it, under a supposition that the Legislature has always regarded the King's Courts as having general jurisdiction with regard to British subjects; but, with regard to natives, a juris-

diction limited according to classes and locality: the other, to amalgamate the King's Courts with the Provincial Courts of Judicature, in the case of its being deemed expedient to abolish the existence of separate and independent jurisdictions for different classes of subjects.

With reference to the first of these suppositions, the jurisdiction of the King's Court, regarding British subjects, as at present understood, does not absolutely need alteration. They are liable universally to both civil and criminal jurisdiction. Only, as to acts committed in the territories of native princes, it ought to be declared, in order to prevent the recurrence of such a claim as was once set up by the Madras Court, that the Courts "have no legal authority to cause writs or process of any kind, issued against European-born British subjects, or natives of the British territories in the service of the East India Company, to be executed by arrest of persons, seizure of property, or any other compulsory method, within the dominions of native princes in alliance with the British Government in India." This was the opinion given by his Majesty's Attorney-General (the late Lord Gifford), his Majesty's Solicitor-General (the present Lord Chancellor), and the Honorable Company's Solicitor (Mr. Bosanquet), when called on in consequence of the proceedings of the Madras Court.

The jurisdiction as to natives in the Company's service seems sufficiently defined, and may remain as it is. It is hard on natives in the Company's service that they should be amenable to two independent jurisdictions, and not obviously necessary; but as the Legislature has declared them to be subject to the jurisdiction of the King's Court, under certain limitations as to civil suits, the case is clear, and the exercise of the power is not open to dispute.

With respect also to natives, in civil actions, regarding transactions in which they have bound themselves to be amenable to the Court, there is no room for doubt.

But it will be necessary to define more clearly the jurisdiction

over the native inhabitants of Calcutta, Madras, and Bombay, that is, over natives residing within the limits of the local jurisdiction of the Court at each Presidency.

Actual inhabitants within these limits must of course be considered fully amenable in both civil and criminal matters, with the privileges, nevertheless, as to their own laws and usages, provided by the enactments of the Legislature and the charters of the Courts.

Persons residing elsewhere, who may formerly have resided within the local limits, must be amenable for acts committed during their residence within the limits, but ought not to be so for acts committed within the jurisdiction of the Provincial Courts, or elsewhere, beyond the local limits of the Royal Courts' jurisdiction.

Persons who have never resided within the limits ought not to be liable to arrest, nor generally amenable to the Courts' jurisdiction, on the plea of being inhabitants, on account of transactions of a pecuniary nature within the limits in which they may be said to have been concerned. Nevertheless, for pecuniary transactions on their behalf within the limits, any property within the limits which such persons may possess ought to be liable, due notice being given of any suit, in order that the party concerned may answer to it at his option, or allow it to be decided on the evidence of the plaintiff. But property beyond the limits ought not, I conceive, in such cases, to be liable to the Courts' jurisdiction, it being, nevertheless, liable to the jurisdiction of the province in which it may be situated, for transactions within the jurisdiction of the King's Court.

The liability of persons and property, with respect to jurisdiction, ought generally, I conceive, to be determined by residence and locality. The course sometimes pursued by the King's Court would set such a consideration at defiance. We have seen, as before mentioned, a man arrested as an inhabitant of Calcutta, at a distance of seven or eight hundred miles, who never perhaps had been much nearer, and certainly never had

been an inhabitant, for a matter of some curiosity sent to him from Calcutta by the party who caused and superintended his arrest, on the plea that he was an inhabitant of Calcutta, in consequence of having property and employing agents in commercial dealings. It seems absolutely necessary that our native subjects should be protected against such proceedings, for which purpose I have proposed the restrictions above stated.

With respect to the property of persons, British subjects or others, by law fully amenable to the King's Court, their property, wherever situated within the British territories, must, I conclude, be liable; but the process of the Court regarding such property ought not to be executed by its own officers, but by the local magistrate; and rules ought to be made to preclude the officers of the King's Court from proceeding beyond its local limits, and to make the local magistrates its instruments for carrying into effect its lawful orders regarding persons or property liable to its jurisdiction, although residing or situated beyond the local limits thereof. The sending of the officers of the King's Court into districts where there is another jurisdiction is useless in itself, and attended with considerable inconvenience and mischief by causing the appearance of a double jurisdiction.

No native ought to be dragged from a distance to show whether he is or is not liable to the jurisdiction of the King's Court. It is a grievous oppression that persons not subject to the jurisdiction may be arrested and brought before the Court from any distance before they can show that they are not amenable. This evil might be remedied by making the local magistrate in each district the channel of executing the Court's writs, and by giving him power to submit the excuses of any native denying the jurisdiction, and to try and report on the question of jurisdiction on the spot under the Court's orders, abiding, nevertheless, by the Court's decision on his report.

The decrees or writs of the King's Court ought not, beyond its own local jurisdiction, to interfere with the previous decrees of the Provincial or District Courts of any other local jurisdiction,

as such interference must have the effect of bringing the local jurisdiction and the authority from which it emanates into contempt. Of course no decrees of the local jurisdiction can set aside those of the King's Court previously issued, if directed against persons legally amenable.

It ought to be the duty of local authorities to bring to the notice of the Government any instance within their jurisdiction of acts of encroachment by the King's Court beyond its known and acknowledged powers. The Government, if it entertain the same opinion, ought to have the power of calling the attention of the King's Court to the subject, either through the Advocate-General or some other channel. The Court ought to be bound to listen to the reference, and explain the grounds of its proceeding; and if the Government should, notwithstanding, remain convinced of the illegality of the supposed extension of the Court's powers, it ought to have the right to appeal to the King in Council, or other competent tribunal; and in a case which it may judge to be of sufficient importance, the power of arresting the progress of the encroachment pending the result of the appeal.

I now proceed to advert to the supposition of a change, by which the judicature of India, instead of being divided into separate and independent jurisdictions, might be amalgamated in one.

Such a change, when judged fit, it will be best to introduce gradually.

The connexion between the two jurisdictions might, in the first instance, be established, by making his Majesty's Supreme Court at each Presidency the highest Court in civil and criminal judicature for all the territories of such Presidency, that is, what the Suddur Dewanee and Nizamut Udalut is now.

In that case the Suddur Udalut at each Presidency might be abolished, and its judicial duties transferred to the Supreme Court, with such modifications as might be requisite.

It would then be proper that the selection of judges for the Supreme Court should be partly, as at present, from barristers of the English, Irish, or Indian bar, and partly from judges, practised in the judicature of India, and acquainted with the language, laws, and usages of the natives.

It is surprising that a knowledge of any language spoken by the natives has never been considered a necessary qualification for a judge on the bench of a King's Court in India. There has, consequently, scarcely ever been an instance of its being in the power of a judge to understand what is said by the native witnesses and prisoners; and this ignorance generally extends to the barristers and officers of the Court, as well as to the judges.

Supposing a Supreme Court to be constituted as above suggested, much of the duties which the King's Court has now to perform might be transferred to an inferior Court at each Presidency; the more important duties being retained in the Supreme Court.

The jurisdiction and powers of the Supreme Court might be exercised everywhere through the local Courts and authorities.

At first, the local Courts would have no more power or jurisdiction over British subjects than they possess at present, but as occasions might arise, from time to time, for extending their powers, authority ought to be vested in the Supreme Government, in concert with the Supreme Court, under the control of the Legislature, for conferring such powers as might be necessary for the due administration of justice, and for modifying and regulating the jurisdiction, practice, and proceedings of those Courts as might be most expedient, securing to British subjects, as much as possible, the enjoyment of their own laws, and always the right of trial by jury in criminal cases, and extending the same right to native subjects as soon as it could be done with the prospect of benefit, securing to them also their own laws and usages; and when in contention, between two parties

of different persuasion, any doubtful point should turn on the difference of laws, the preference might be given to those of the defendant.

It would be presumptuous in me to attempt to describe all the subsidiary alterations that might, in process of time, follow the change proposed. All that I aim at is to convey the impression that such a change, if ever deemed desirable, might be effected by a gradual introduction of improvement, without the convulsive destruction of that system of judicature to which our native subjects are accustomed.*

* After a lapse of nearly a quarter of a century these considerations forced themselves on the minds of our English legislators.—See Speech of Sir Charles Wood (June 3, 1853), introducing the new India Bill: "We propose, also, an improvement in the constitution of the Superior Courts of India. At present there is the Queen's Court in each of the Presidency towns for the administration of justice to the English inhabitants; and there is also the highest of the Company's Courts, composed of Company's judges, selected from the civil service, called the 'Sudder Adawlut,' being substantially the same Court for civil and criminal justice, under different names. We propose to consolidate these two Courts. We believe that the constitution of both will be improved by this amalgamation; we believe that the addition of the Queen's judges will introduce the improved law and knowledge which they carry from this country into the Company's Courts, and that the addition of the Company's judges sitting with lawyers from this country will give those English lawyers what they want—an acquaintance with the manners, and habits, and laws of India. We propose that this Court shall be the ultimate Court of appeal in each of the Presidencies from all other Courts, and that minor Courts for the administration of English law, shall be instituted in each of the Presidency towns, subject to an appeal to the Superior Court which I have mentioned. We propose, also, that in certain cases this Superior Court shall have original jurisdiction, and that the judges shall be occasionally employed by special commission to try causes in any part of the country. We believe that these reforms will be the means of introducing an improved practice and tone into all the Courts of the country; and in every part of the country there will be the advantage of trials conducted on fitting occasions before judges of the highest Court of Judicature."

NATIVE JUDGES.*

[*April* 13, 1831.]

I do not like the terms "Suddur Aumeen" and "Principal Suddur Aumeen" as applied to native judges; but as the former is established, and the latter is a consequence of the former, I shall not urge any objection.

I should concur in the extension of the powers of the Moonsifs proposed by the judges of the Suddur Udalut as far as regards natives only, but as long as the judges must be exclusively natives, I am decidedly of opinion with Mr. Blunt that British subjects, European foreigners, and American Christians, ought to be exempted from their jurisdiction; and as British subjects, I would include the class of subjects of European descent calling themselves East Indians. If European and East Indian British

* "Previous to 1831 there had been but two classes of native judges, with very limited powers and very small salaries. The higher class were known as 'Suddur Aumeens;' the lower as 'Moonsiffs.' The Moonsiffs, originally denominated commissioners, had been appointed by Lord Cornwallis to relieve the pressure on the European judges. In 1793 they were empowered to determine suits relating to accounts not exceeding 50 rupees. In 1803 the office of Suddur Aumeen was instituted, with a jurisdiction extending to suits of 100 rupees. In 1821, after some intermediate enlargement of the power of both classes, the Moonsiffs had been empowered to try suits extending to 150 rupees, whilst the Suddur Aumeen took cognisance of cases to the amount of 500 rupees. In 1827, the authority in the latter case had been doubled, and the Suddur Aumeen, if so empowered by the Suddur Court, had jurisdiction over cases extending to 1000 rupees. In 1831, Lord William Bentinck established a superior class of native judicial officers, known as 'Principal Suddur Aumeens,' with enlarged powers and higher salaries." —[*History of the Administration of the East India Company.*] It is to the jurisdiction of these native judges that this paper relates.

subjects were eligible equally with natives to the office of Moonsif or Aumeen, I should not see the same objection, as all would then be on the same footing; but if the judges are to be exclusively native, the jurisdiction also ought, I conceive, to be exclusively over natives. The power of the Moonsifs and other native judges ought not, in my opinion, to extend to any question in which the revenue or interests of the State are concerned. If their power does so extend by the regulation, I should like to have it modified so as to preclude that power.

I do not clearly perceive the object of the additional clause suggested by the judges of the Suddur Udalut. It can hardly have reference to Mahomedans or Hindoos, because clause 2 gives to those classes the benefit respectively of their own laws. If the additional clause refers to all classes, with the exception of Mahomedans and Hindoos, it seems to mean that while the inheritance of Mahomedans and Hindoos is to be regulated by their laws, that of Christians and all other classes, European or native, is to be determined by the "justice, equity, and good conscience" of the Moonsif, he being either a Mahomedan or Hindoo. If this be the right interpretation of the clause, it would, I think, be objectionable.

Although I should not object to an intermediate appeal to a native judge, subject always to a further appeal to an European judge, I nevertheless entirely concur in opinion with Mr. Blunt and the judges of the Suddur Udalut, that the only mode of maintaining an efficient check over the proceedings of the native judges is to subject them to an appeal to European judges. I have, therefore, no difficulty in assenting to the proposal that all appeals from native officers should be heard and tried by an European officer. And in one view of the question it is desirable that the Courts of the native judges should be tribunals exclusively for original suits, and those of the European judges exclusively for appeals. But I do not think it necessary or desirable to retain the Register Courts for this purpose, as Registers and Acting-Registers will generally, I conceive, be too young to be proper Judges of Appeal.

I entirely concur in the addition proposed by Mr. Blunt, and should wish to extend the exception to East-Indian Christians of European descent.

I am disposed to concur in the opinion of the judges of the Suddur Udalut, that the offices of Suddur Aumeen and Principal Suddur Aumeen, and I would add that of Moonsif also, ought to be open to any person whom the Governor-General in Council may consider duly qualified. If such an alteration were adopted, it would considerably affect my opinion on other clauses of this regulation, as then I should not object to subject all classes to Courts in which all would be alike eligible as judges, want of due qualification being the only ground of exclusion.

That part of Mr. Blunt's concluding proposition which recommends that appeals from Moonsifs be heard and determined by the Registers, depends, of course, in great measure on the decision of the previous question, whether the Register Courts shall be retained or abolished. Even if they were retained, I should prefer that the appeals from Moonsifs were heard and determined by the district and city judges, if that were not impossible owing to excess of business in their Courts.

In the latter part, which suggests that appeals from Suddur Aumeens and Principal Suddur Aumeens shall be heard and determined by the Zilla, or city judge, with a special appeal to the Provincial Court, I entirely concur. If the Provincial Courts be abolished, the special appeal might be to the Suddur Udalut.

If the plan were adopted of making the Courts of European Judges exclusively tribunals for appeals as far as regards suits in which both parties might be natives, and the Courts of Native Judges exclusively tribunals for original suits, it would be necessary to revise all those clauses in this regulation which limit the amount of claims to be tried by the higher native tribunals. And if all classes were eligible as judges in these tribunals, all exemptions from subjection to their jurisdiction might be abolished.

ABOLITION OF THE PROVINCIAL COURTS.*

[*October* 29, 1831.]

The only part of the new arrangements for the civil administration of this Presidency on which I think it necessary to record any detailed observations, in addition to those which I have already submitted, is the proposed abolition of the Provincial Courts, which appears to have been left by the Right Honorable the Governor-General as a question for the decision of the Honorable the Court of Directors.

Although the continuance of the Provincial Courts is advocated by my honorable colleague Mr. Blunt, for whose opinions I entertain a very sincere respect, I must acknowledge that I regard the abolition of those Courts as a concomitant and essential part of the new system about to be introduced.

When the Provincial Courts were established, they were for the most part Courts of Appeal and Circuit, with some original jurisdiction in civil suits, and with the control of the police. The judicial establishments below them consisted of district judges, who were also magistrates, and of registers and assistants, all being European functionaries.

Without adverting to intermediate changes, it is sufficient to remark, that we are now transferring the duties formerly per-

* The Provincial Courts, or Courts of Appeal in the Provinces, established by Lord Cornwallis, were abolished by Lord William Bentinck. This was part of an extensive reform of the judicial system of the country introduced by that enlightened nobleman, but subsequently considerably modified and improved by orders from home.

formed by district judges, registers, and assistants, to native judges of three classes; that the duties of appeal and circuit are to be entrusted to the district judges; that the magistrate's office is to be joined to that of the collector; and that the control of the police is with the commissioners of divisions. The Suddur Udalut is, as before, the Supreme Court, and there does not seem to be any place left for the Provincial Courts.

Instead of the gradations of assistant, register, district judge, Provincial Court and Suddur Court, we shall have Moonsifs, Suddur Aumeens, Principal Suddur Aumeens, district judges with the powers of Provincial Courts, and two Suddur Courts instead of one.

The duties of the district judges being transferred to the native judges, the district judges may be expected to be competent to perform the duties of the Provincial Courts, and for the discharge of those of the Suddur Court there will be two Suddur Courts, one of which, established in the Western Provinces, will approximate the power of final appeal to the inhabitants of that part of our territories.

The former duties of the Provincial Courts having been transferred to other functionaries, those Courts form no part of the new system. New duties, intermediate between what they formerly had and those of the Suddur Court, might no doubt be invented for them, but the system is complete without them; it has all the gradations that before existed, with a variation of the designations of the functionaries, and the intervention of Courts with new duties seems to be an unnecessary additional expense, which it is exceedingly desirable to avoid. I have before expressed the apprehension, which I continue to entertain, that without great care to avoid it, we shall, in these intended improvements, run into greater expense than has been anticipated. I shall not, indeed, be surprised if, from the tendency of charges in all offices to increase, the expense of our civil administration under the new system be eventually greater than it has ever been heretofore. I am

therefore of opinion that the utmost attention is necessary to avoid any expense that can be dispensed with. Of this nature I consider the expense of the Provincial Courts. They do not belong to the new system. If the native judges, the district judges, and the Suddur Courts, which compose the new system, be found inadequate for the administration of justice, it will then be time to consider whether they can be made adequate, either by a new distribution of duties, or by an increase in the number of functionaries belonging to the new system, or by the intervention of another class of Courts. The expense necessary to give efficiency to the system must be incurred, or the system must be again modified. But to set out with the intervention of Courts which, in the system proposed, have no duties assigned to them, and for which, therefore, new duties must be devised, would be, it seems to me, a voluntary and premature increase of expense, which must be held to be unnecessary. I therefore regret, that while those parts of the proposed scheme which involve increase of expense have been carried into effect without reference to the Court of Directors, the only part which would have produced a considerable and certain reduction has been postponed for further consideration.

As this is probably the last occasion on which I shall have to record any opinion on the plans which are about to be carried into execution, I shall take the opportunity to express my anxious hope that they may succeed. It is unnecessary to say, that the scheme is not precisely the one which I should have recommended as best adapted for the government of our Indian subjects, my sentiments on that subject being already on record; but as an improvement on the system heretofore administered, I trust that it will be attended with advantage. The transfer of the powers of the Provincial Courts to the district judges, with the Suddur Court over them, I consider to be a decided benefit; and I have the same opinion of the transfer of the duties of the European district judges to native judges, unless this experiment should fail, which I hope it will not. The establishment of a Suddur Court in the Western Provinces will

also, I conceive, be decidedly beneficial, provided that the Provincial Courts be abolished,—a measure which seems to me to be indispensable for the economy of the new arrangement, and otherwise recommended by their forming no component part of the scheme. If any local supervision over the district judges, more proximate than what the Suddur Court could maintain, were deemed necessary, the requisite powers merely for the purpose of supervision of their general conduct might, I conceive, be conferred on the commissioners of divisions. These powers would of course be restricted to certain points, in order to preclude unnecessary interference in matters more properly cognisable by the Suddur Court, as well as to prevent too great an increase of business to the commissioners. It is not necessary to enter into details, as the proposition is not at present before the Board. I only now notice the subject as suggesting, without expense, the means of local supervision, if this alone should be deemed a sufficient object, which must otherwise be provided for by the retention of an intermediate and expensive authority, such as the Provincial Court.

USE OF THE ENGLISH LANGUAGE IN COURTS OF JUSTICE.

[*May* 12, 1832.]

The English language seems to be the channel through which we are most likely to convey improvement to the natives of India. I should, therefore, be disposed to promote the use of it as much as possible in our Courts of Justice.

The Persian, like the English, is a foreign language in India, but having preceded the latter by some centuries, and having been made the writing language of State business by the conquerors who introduced it, is now familiar to the generality of well-educated persons; and the present race of native public servants must pass away, and be succeeded by another differently educated, before the Persian can be superseded generally in our Courts by the English language.

Which shall ultimately be the official language for records is a matter of choice between two, as to India, foreign languages; and considering that the English can supply more knowledge than the Persian, it deserves to be the favorite, besides having a claim as the language of the governors of the country; oral pleadings and the examination of witnesses must proceed as now in the vernacular tongue. For record, they may as well be translated into English as into Persian, when the public officers have a sufficient acquaintance with the former.

There is one part of our judicial proceedings which ought always, I conceive, to originate in English—that is, whatever written order emanates from the European judge. He ought to write it with his own hand, and from his own head, in the language in which he can best express himself, which will of course be his own. As long as the rest of the records are kept in Persian, the judge's English order, containing his own reasoning, might be accompanied by a Persian translation prepared under his direction.

I concur in what my honorable colleague proposes to be issued as instructions to the Suddur Udalut. I should have no objection to go further, but do not wish to press such a course. The papers will, I conclude, be forwarded in the first instance to the Right Honorable the Governor-General.

Miscellaneous.

THE OFFICERING OF THE INDIAN ARMY.*

[*January* 19, 1829.]

A DESPATCH from Bombay of the 22nd May, 1828, brought a minute, recorded by the Honorable the Governor of that Presidency, relating principally to the subject of rendering our Indian Army more efficient, with respect to the number of officers actually doing duty with regiments.

The same subject must have attracted the attention of every one accustomed to reflect on the peculiarities of our Indian Empire; and as it has often occupied my thoughts, I venture to offer the suggestions which occur to me, not with the presumptuous notion that they will be found free from objections, but under a belief that a subject of such vital importance cannot be too much discussed by those whose minds have been drawn towards it.

The defect most frequently complained of in the Indian Army, in the last twenty years, is the want of officers with regiments, which must proceed either from there being an insufficiency in the number of officers posted to each regiment, or from the taking away of officers from regiments for employment in civil or staff duties.

An intended remedy for the evil felt has latterly been devised,

* This paper was accidentally omitted from its proper place among the Military Minutes; but the suggestions it contains are too important not to induce me to restore it, under the present head.

by limiting the number of officers to be withdrawn from corps for employment elsewhere.

But this limitation, by the restraint which it imposes on the Government in its selection of officers for other duties, must frequently be injurious to the public service; and that part of the regulation which compels officers, on promotion to the rank of captain, to relinquish whatever situation they may hold away from their regiment, if two captains be already absent, appears to me to operate very hardly on the officers so treated, as well as injuriously to the public service; for although the power is reserved of making exceptions in cases in which the public interests may seem to require them, that will not prevent the frequent removal of officers from situations in which their services are valuable, and whenever the power so reserved may be exercised, it will be ascribed to favor, and give rise to general discontent.

I conceive, therefore, that it would be much better to adopt some plan by which the Government might be at liberty to command and retain the services of any officer required for the staff or civil employment, without affecting the efficiency of the Army.

And this object, it appears to me, might be accomplished by a very simple arrangement;—

In the first place, let the complement of officers requisite for actual duty with a regiment be fixed—whether more or less, or the same as the present establishment—without reference to the number that may be drawn away for general staff duty, or civil employment, or any other exigency of the public service.

It is of essential consequence that the Government should have the power of calling away from regiments any officers whose services may be required elsewhere, without any limit as to number.

It is, at the same time, of great importance that this power should be exercised without injury to the efficiency of the Army.

And it is also very desirable that any plan designed to

secure that object should not interfere with the constitution of the Army, or the system by which promotion is regulated.

I have premised that the complement of officers for a regiment is to be fixed, without reference to the number that may be withdrawn for other duties; but I will suppose the complement to include a provision for the absence of the usual average number on furlough to Europe, or leave from sickness or private affairs, and to be accordingly, to that extent, beyond the number actually required to be present.

Without presuming to offer any opinion as to the number of officers that may be requisite with a regiment, I will, for the sake of explanation, suppose the complement to be as at present.

Exclusive, then, of the colonel, or lieutenant-colonel commandant, whose presence is never considered necessary, a regiment may be said to consist of one lieutenant-colonel, one major, five captains, ten lieutenants, and five ensigns.

Let it be supposed that several of these officers, no matter what number, are required by the Government for public service elsewhere, and withdrawn from the regiment.

I have now to suggest the arrangement which seems to me advisable in order to supply the places of those withdrawn.

The general principles of my proposal are, that officers withdrawn from regiments should cease to draw any pay or allowances as belonging to regiments, and should be exclusively remunerated by suitable allowances attached to the offices to which they may be appointed, and chargeable to the departments to which these offices may belong; and if, in consequence of their being officers of the Army, it be necessary that a portion of their allowances be drawn under the denomination of military pay, that such portion should form a part of the remuneration fixed for the duties assigned to them, and not be in addition thereunto, and should not be chargeable to their regiments, which should be relieved from all expense on their account; that they should, nevertheless, retain their regimental rank, and rise, with regard to promotion, precisely as if they were present with their regiments; that the regimental pay and allowances

which they would draw if present with their regiments should be received by those who may perform their duties in consequence of their removal; and that the vacancies caused in regiments by the withdrawing of officers for other duties should be supplied by supernumerary officers.

For example, let it be supposed that the lieutenant-colonel be appointed to some situation on the general staff, or to some civil office.

According to the principles before stated, he would be paid entirely by the allowances of the office to which he might be appointed. His military pay and allowances, as lieutenant-colonel of his regiment, would be disposable.

In such a case, the major of the regiment, supposing him to be present, would have to perform the duties of lieutenant-colonel. I should propose, also, that he be allowed to receive the pay and allowances of that rank, as acting lieutenant-colonel of the regiment; retaining, however, the designation and Army rank of major only.

The senior captain might draw the pay and allowances of the regimental major, whose duties he would have to perform, retaining only the designation and Army rank of captain.

The senior lieutenant might be promoted to the duties, pay, and allowances of captain, and the senior ensign to those of lieutenant, each retaining his own rank in the Army.

The vacancy caused by the removal of one officer from the regiment might be filled up by the addition of a supernumerary ensign.

Supposing the lieutenant-colonel to return to the regiment, or another to be posted to it, and join it, in consequence of the removal of the former, in either case the major, the captain, the lieutenant, and the ensign who had been advanced to higher duties and allowances, would fall back each into his proper place, and the supernumerary ensign might be posted to any other regiment where there might be a vacancy.

The same process might take place whatever number of officers were withdrawn from any regiment. The withdrawing

of field-officers would advance captains, the withdrawing or advancement of captains would advance lieutenants, and so on.

In like manner as the absence of officers in other employment would give to those remaining with regiments the advantage of a rise in pay and allowances, the latter might also be allowed to benefit by that portion of the allowances of officers absent on furlough, which by the regulations of the service may not be drawn by the absentees.

In order to accomplish the plan suggested, it would be necessary to have in the Army a number of supernumerary ensigns, equal to the number of officers employed away from regiments. The supernumerary ensigns, while supernumerary, might be disposable to do duty with any regiments where their services were required. They might be promoted to ensigncies when vacant, and posted permanently to corps according to seniority in the Army. As supernumeraries they might receive the pay and allowances of ensigns.

By this plan, it seems to me, the following advantages would be gained:

The Government would be at full liberty to apply the services of officers of the army wherever they might be most beneficial to the State.

At the same time, the efficiency of regiments would be maintained.

And the system of promotion existing would be preserved without infraction.

By making every department and office chargeable for the whole of the pay and allowances of officers employed therein, there would be no temptation to apply the services of officers to inferior duties, or to duties paid by inadequate allowances, on the fallacious ground that they were partly paid by their regimental pay and allowances—a system by which the State cheats itself, stealing, as it were, officers from regimental duty for other services without supplying substitutes, rendering regiments inefficient, and blinding itself to the actual expense of offices held by military servants.

The expense of every office would be manifest. Suitable allowances would be fixed for each according to its duties and importance. Military officers would not accept such as might afford no adequate compensation for quitting their regiments. Some, now enticed away, would remain with their regiments, adding to the efficiency of the Army; and in any case the full complement of officers, those on furlough and leave excepted, would be retained with every regiment by the simple process of appointing an additional cadet for every officer taken away from regimental duty.

I am aware that, supposing the same number of officers to be necessarily employed away from regiments as are now employed, with salaries equal to their present aggregate allowances, and supposing the same complement of officers to be required with regiments that constitutes the present establishment, there would be a considerable increase of expense in filling up regiments with supernumerary officers; but, if necessary for the efficiency of the Army, the expense ought to be incurred, for it is a mere delusion, and no economy, to fancy that we are obtaining cheap service because officers on staff or civil duty are in part paid by pay or allowances to which they are entitled as regimental officers, or that we have officered regiments when we have posted a certain number to them without regarding whether the complement is present for regimental duty, or otherwise disposed of.

If the complement of officers now allowed be greater than is required for actual duty, it might be diminished; but a system is necessary which shall secure to regiments the full complement deemed requisite, without depriving the Government of the power of selecting officers for staff or civil employment in any number demanded by the exigencies of the State.

Such a system, it appears to me, would be established by the scheme which I have suggested; and this scheme, from its simplicity, and from its not affecting the system of promotion established in the Indian Army, seems to me to be preferable to other plans that have been recommended.

The one which Sir John Malcolm apparently advocates is the formation of skeleton regiments of officers without soldiers. This appears to me to involve a complicated, and in other respects objectionable, arrangement. In its operation it would assign to do duty with regiments officers of all ranks not brought up with those regiments, and thus tend to prevent that union between the European officer and the native officer and soldier which is the result of continued intercourse and connexion. It would also create rank without obvious duties thereunto appertaining. And it would not completely provide for the actual presence of a sufficient complement of officers with each corps.

It may certainly be objected to the plan which I have suggested, that it does not accelerate promotion; to which the answer would be that it does not profess to have that object in view. It is merely intended to provide with certainty a sufficient complement of officers for each regiment, and does not aim at any more general arrangement.

The acceleration of promotion is a distinct object, very desirable for the army, and of great importance to the State, but requiring distinct consideration.

It seems, however, a necessary part of any plan for securing an efficient employment of officers to regiments, that at least one field-officer should be present with each regiment, and if that is not provided for on the present system, means ought to be adopted to accomplish it;—

Which might be done by an addition of field-officers equal to the number required for that purpose. If the number required were equal to the number of regiments, the addition of a field-officer to each regiment would be the obvious remedy; but as that is not the case, the addition of a sufficient number of extra majors to the Army might be substituted, which number might be increased whenever requisite.

The promotion to these extra majorities might take place from the captains, according to seniority in Army rank, without interfering either with regimental promotion as now ex-

isting, or with the right of those officers to succeed to the regimental majorities of their own regiments when vacant, which they might do without losing the advantage in Army rank of their prior promotion to an extra majority. The transfer of an extra major to a regimental majority would cause a vacancy among the extra majors, to be filled up by the promotion of the senior captain in the Army.

The extra majors would of course be available for duty with regiments not having any field-officer present.

If it be said that one field-officer with a regiment is not sufficient, and that there ought to be at least two present, a lieutenant-colonel and a major, the same scheme of extra majors might be extended to the nomination of extra lieutenant-colonels. The advantage of the scheme is, that it is capable of expansion to any extent, or of being gradually brought back within any limits, according to the actual exigencies of the public service.

It is desirable, however, that regimental field-officers should have every possible inducement to remain with their corps. The more advantageous their regimental situations be rendered in comparison with other offices to which they might be eligible, the better the efficiency of the Army will be provided for.

The plan of making every office responsible for the aggregate allowances received by the incumbent, and of relieving regiments from every charge on account of officers absent on other employment, would aid in some degree in producing that effect; for each office would of course have only such allowances attached to it as might be deemed equivalent for the services rendered; and there would be less temptation for officers of the higher ranks to seek unsuitable employment. Field-officers would have no encouragement, from the higher pay of their rank, to remain in situations fitter for captains or subalterns.

This object is at present in some degree provided for by rules which compel the relinquishment of certain offices on promotion to certain ranks, and as far as it may be desirable to retain these rules, there is nothing in what I have suggested that would clash with them; but the compulsory relinquish-

ment of an office must always be disagreeable, and it is never desirable that increase of rank should be attended with disadvantage. It would be better that the relinquishment of office should be voluntary, in consequence of the greater advantage of military command or regimental duty in the higher ranks; and by whatever means this object could be accomplished, the efficiency of the Army would be thereby greatly increased.

To the utmost extent that it may be practicable, consistently with financial security, to augment the allowances of regimental command and duty, the efficiency of the Army would be promoted by so doing.

I have offered these remarks for consideration along with those presented by others on the same subject, and not with any presumption that better schemes may not be devised; but there is a part of what is herein suggested that might, I conceive, be carried into execution at once, with benefit to the Army and the State, and without any ground of objection that ought to prevail against it, unless our pecuniary difficulties be such as must absolutely preclude its adoption.

Many officers absent from their regiments, and employed in civil duties, do not draw their military allowances, which are in consequence saved to the State, while their regimental duties are performed by other officers. There seems to be no valid reason why the officers performing the duties should not draw the unappropriated allowances. For instance, if the major of a regiment be absent in an employment in which he receives a civil salary and his military pay, but not his military allowances, it would appear to be very proper that the senior captain present should draw the allowances not drawn by the major, that the senior lieutenant should draw the captain's allowances, and the senior ensign the lieutenant's, those of the ensign being saved. A similar process might take place with regard to other instances of unappropriated allowances in the regiment, from the absence of officers either in civil employment, or on furlough, or on leave, whenever, in short, regimental allowances, wholly or in part, may be left disposable.

This arrangement would improve the situation of regimental

officers, without any extra expense on the part of Government that could properly be so considered, for, when regimental pay and allowances were fixed, it could not have been intended that the duty should be performed and the allowances unpaid.

This boon to the Army, coming after the reduction of certain stations to half-batta allowances, might serve to allay, in some degree, the distress and disappointment caused by that measure. I wish, indeed, that we could have granted the boon without the previous reduction; but as it has been our painful duty to carry the latter into effect, in obedience to the reiterated orders of the Court of Directors, it seems to me to be the more incumbent on the Government in India to grant every reasonable indulgence and advantage, in order as much as possible to recompense the officers of the Army for the retrenchment from their small allowances, to which they are immediately or eventually exposed by the operation of that unexpected and disheartening measure.

I know not what increase of actual expenditure such an indulgence would cause, but if it be so considerable as necessarily to deter the Government, on that account alone, from adopting the proposal, we must then acknowledge the melancholy and alarming fact that we are not in a condition to maintain our Army even in that degree of efficiency which its present institutions were intended to accomplish; for it never could have been originally designed that regimental allowances should be undrawn, and constitute an indispensable saving. Diminution of expenditure from that source could not have been calculated on.

I therefore venture to propose, for the consideration of the Governor-General and the Council Board, that regimental allowances not drawn by absent officers be granted to those present in the next rank, according to seniority:—those of lieutenant-colonels to majors; those of majors to captains; those of captains to lieutenants; those of lieutenants to ensigns.

"NUZZURANA"—TAX ON SUCCESSION.

[*October* 26, 1828.]

I am about to offer some remarks on Sir John Malcolm's plan for levying a sort of fine, under the designation of Nuzzurana, from assignees of public revenue, on the succession of heirs.

If we have rightly construed his design in supposing that the extension in perpetuity of revenue assignments, which would otherwise, by right, lapse to Government on the demise of incumbents, is therein included, the plan, in that case, contains two separate propositions, so distinct, so different, and so opposite, that they manifestly require separate consideration, and ought not to be confounded together.

One is to levy a tax, in the shape of a fine, on succession to revenue assignments, the enjoyment of which, according to our existing practice, would of course descend to heirs in perpetuity, without the payment of any tax, fine, or nuzzurana whatever.

The other is, to continue in perpetuity the alienation of state revenue, which would otherwise revert to Government, relinquishing the lawful right to the whole, and accepting, in lieu thereof, occasional payments, at distant periods, of a small portion.

The enjoyers of alienations of state revenue may be divided into two classes: those who have an acknowledged title to the continuance of the enjoyment in their families during the existence of lineal heirs of the original assignee, and those who

hold only for life, or under other limitations which fix the period for the termination of the privilege.

With respect to both classes, the assignment is liable to an eventual lapse; but with regard to the latter, the lapse is certain in a limited period; while, with regard to the former, it is uncertain, and the alienation of revenue may be perpetual.

It has not been the practice of our Government to grant alienations of revenue in perpetuity. Where they exist under our rule, they are continuations which we have allowed of grants received from a former government, and either correctly or erroneously supposed to have conferred a perpetual or hereditary tenure.

For my own part, I cannot conceive a more legitimate subject for taxation than the possession of a perpetual alienation of public revenue held under the grant of a preceding government.

It is necessary, for the apprehension of my meaning, to consider under what circumstances such a grant was made, and under what circumstances it has been continued.

It was not originally a gratuitous grant. Personal service was to be rendered. Troops were to be furnished according to the extent of the assignment. The native government was supported, not weakened, by the arrangement; and in addition, nuzzurana or fine was payable on succession, and on other occasions.

What follows? We come and conquer the country. The holder of the tenure has done his duty; he has been our enemy, and fought against us. All alienations of revenue property lapse to the conqueror. We have a right to consider this assignment as having lapsed. Instead of which we confirm its continuance. This is very generous, no doubt; but it is a gratuitous waste of revenue, and one of the causes why British India is likely to sink under the pressure of expenditure exceeding income.

The sacrifice of revenue was not without a return to the Native State. Perhaps the original grant conferred a reward for past devotion, by which the State had benefited. Anyhow, it

was recompensed by service, by attachment, by faithful support. It also took its occasional nuzzurana.

With us the alienation of revenue is a perfect sacrifice. We either neglect the condition of service altogether, or it is to us useless and insignificant. Nuzzurana is not required, because it is not included in our regular system. We receive no return, and the loss of revenue deprives us of the means of paying those who would fight our battles and maintain our empire.

I am therefore of opinion that there is no other class of our subjects so peculiarly fit for taxation as the holders of alienations of state revenue.

I do not think it necessary to examine minutely the different descriptions of persons who hold the hereditary alienations which we have confirmed. Of all, it may be truly said that they are drones who do no good in the public hive.

I do not profess that I would have recommended resumption in every case. But we had a clear right to resume all alienations of revenue; and having, instead, continued them, it appears to me that we may very justly call on the holders to fulfil towards us a part of the obligations which the existence of the assignments enjoyed by them implies, and which they would have had to observe towards any native government.

The payment of nuzzurana would undoubtedly have been one of their obligations; and, although the measure is new with us, it is not liable to the charge of innovation with them, for it is one which is in general use under all native governments, and especially on succession to possessions of any kind. It would, therefore, be the least unpalatable mode of imposing a tax, and would be scarcely felt as a grievance on the occasions on which it would be levied.

Sir John Malcolm, indeed, is of opinion that the imposition would be received as a benefit, and confer confidence and security. Even that, I conceive, is possible; for the very gratuitous indulgence which we have conferred on the holders of hereditary assignments of public revenue, so different from what they were before accustomed to, may not unnaturally

have excited an alarm that such a boon cannot be lasting, which the imposition of nuzzurana on hereditary succession might tend to allay, as indicating the intention of taking some recompense for the boon, instead of ultimately resuming it altogether.

I am, for the reasons above stated, entirely disposed to concur in Sir John Malcolm's proposition for levying nuzzurana on succession to all hereditary assignments of public revenue; and shall be glad if the Governor-General and the Council deem it expedient to authorise the Government of Bombay to carry the measure into effect, as far as concerns the holders of perpetual assignments in the territories of that Presidency.

But the extension of life grants, and their conversion into perpetual hereditary tenures, is a very different question.

Viewing it as a financial one, it is manifest that this proceeding would be perfectly injudicious. By adopting it, we should be sacrificing an annual revenue, and taking in lieu one year's portion of it, or less, on the demise of assignees—a very small part instead of the whole; a miserable percentage. It would be as if it were proposed in England to continue in perpetuity pensions granted for one life, on condition of payment of a portion of one year's income at the succession of heirs.

Solely, therefore, as a financial question, this proposition ought undoubtedly to be rejected: and I have not quite persuaded myself that Sir John Malcolm has meant to advance it; although I must acknowledge that some expressions in his minutes seem to warrant such an inference.

The advantage of the proposition, if it has any, must rest exclusively on political grounds; and these, I imagine, will not be found to be very strong.

It may be supposed that we shall conciliate and attach to us, by ties of gratitude, the individuals benefited by such a boon, and that the act would be generally popular.

The same might be said in favor of any other gratuitous donation from the public treasury; but we cannot afford to

purchase by sacrifices of revenue a precarious and unavailing popularity, even if such should be the consequence; which is not only not certain, but very much otherwise.

Our dominion in India is by conquest; it is naturally disgusting to the inhabitants, and can only be maintained by military force.

It is our positive duty to render them justice, to respect and protect their rights, and to study their happiness. By the performance of this duty, we may allay and keep dormant their innate disaffection; but the expectation of purchasing their cordial attachment by gratuitous alienations of public revenue would be a vain delusion, sure to be attended with fatal disappointment if the experiment were carried to any great extent, impossible, indeed, to be acted on universally, and useless, insignificant, and incongruous on a small scale.

We cannot dispense with our lawful revenue. We are even bound to increase it by all just means, in order to meet and keep pace with our excessive and increasing expenditure. On political grounds, therefore, the revenue of an assignment, which has justly lapsed to Government, is of more value, in my opinion, speaking generally, than any probable consequence of the gratuitous continuance of the alienation in perpetuity.

Decidedly preferring the use of the revenue for the maintenance of our dominion, to any supposed political advantage expected to be derived from its sacrifice, I nevertheless protest against being deemed an enemy to a liberal consideration of just claims, where claims do really exist; but I cannot admit that the mere possession of a gratuitous boon from the Government confers on the heirs of the favored possessor a claim to its perpetual continuance. When was it ever agreed in England that the grant of a pension for one life, or any number of lives, even in reward of the greatest public services, conferred a claim to its continuance in perpetuity?

According to the principles which I have endeavoured to explain in this minute, if it rested with me to propose the terms of a reply to the Government of Bombay, or Sir John Mal-

colm's proposition for levying nuzzurana, I should advocate the transmission of instructions to the following effect:

1st. To levy nuzzurana, agreeably to Sir John Malcolm's plan, on all alienations of public revenue acknowledged to be hereditary.

2nd. To resume, at the period prescribed by the granting or confirming òrder of the British Government, all alienations which are eventually to lapse to Government.

3rd. To take into consideration all doubtful cases, and deal with them according to the instructions prescribed for that of the two above-mentioned classes to which they may most justly be assigned.

CONNEXION OF GOVERNMENT SERVANTS WITH THE PRESS.

[*December* 29, 1828.]

I have the honor to concur in the Governor-General's proposal for the nomination of Mr. Grant to be Superintendent of the Government Press; and I trust that the reasons which induce his Lordship to recommend this deviation from the orders of the Court of Directors will satisfy the Honorable Court of its expediency.

I cannot refrain from availing myself of this opportunity to express my regret at the tenor of those orders, which entirely exclude the servants of the Company from any share in the exercise of the power of the Press.

That no person in high official station should have any share in the profits of a newspaper, or any connexion whatever with the political Press, seems to be perfectly proper and unquestionable.

But that the only class of persons who feel any interest in the Company's government should be utterly precluded from the employment of their talents in the operations of the Press, appears to be very impolitic.

The Press in India, although not free from restrictions, is sufficiently free to make it desirable that it should not fall exclusively into the hands of those who, however loyal as British subjects, are disaffected towards the Honorable Company; and that it will be generally engrossed by such persons must be the natural effect of precluding the servants of the Company from taking any share in it.

Since the enactment of the local law by which newspapers are printed under a license, revocable at pleasure, the proprietors and editors being responsible for the contents, it has been found expedient to admit a considerable latitude of discussion; nor

can this be avoided without adopting one of two courses—either employing the extreme measure of extinction on every construed breach of regulation, which would be harsh and excite popular disgust, or entering into a continual expostulatory and inculpatory correspondence with the editors, which would be quite derogatory and disreputable to the Government, and much more likely to bring it into ridicule and contempt than any freedom of discussion.

I take it as universally granted that the Press ought to be free, and subject of course to the laws, provided that it be not dangerous to the stability of our Indian Empire.

Should it ever threaten to become so, the local government ought undoubtedly to possess the power of protecting the safety of the State against this or any other danger, from whatever quarter it may proceed; because it is impossible in this distant region that we can be protected on emergency by any enactments of the mother country.

But at present there is no symptom of danger from the freedom of the Press in the hands of either Europeans or natives; and the power being reserved to provide for the public safety against any danger by which it may at any time be menaced, to crush what is in itself capable of great good from an apprehension that it may possibly under circumstances as yet unconceived be converted into an evil, would be a forecast more honored in the breach than the observance.

Arguing, therefore, on the supposition that the Press is already in some degree free, and that it is not desirable to strangle its growing liberty, the exclusion of the Company's servants from taking a share in the exercise of the power which that engine wields, appears to me to be the very reverse of expedient; and I much regret that the orders of the Court of Directors have not left employment in the Press open to all their servants, excepting those in high official stations, and especially to gentlemen in the medical line, on the indispensable condition that such employment should not be allowed to interfere with the due discharge of public duties.

THE GOVERNOR-GENERAL AND HIS COUNCIL.

[*March* 5, 1830.]

I have the honor to concur in the sentiment expressed by the Governor-General in the minute which has this day been read in Council, as to the expediency of giving authority to the Supreme Government to move from the Presidency, whenever its presence may be required, in any of the provinces subject to its rule, or in any of the territories of dependent States. I intend, however, to confine my remarks to this question, and to treat it generally, without entering on the wide field of discussion presented by the several topics touched on by his Lordship in support of his argument.

I do not propose to advocate the permanent removal of the seat of government from Calcutta to any other quarter. The enormous expense which would attend such a measure appears to me to be a decisive objection against it; and I am not aware that the speculation has ever been seriously entertained with any view to its practical execution.

But I am thoroughly convinced, that whenever the public service requires the protracted absence of the Governor-General from the Presidency, excepting the case of his proceeding to another Presidency, or commanding an army in the field, he ought to be accompanied by the Council. In other words, that the Government ought, in any case, to remain united, and as complete as possible, and not be divided into separate authorities, acting with ill-defined relative powers.

The provision of a Vice-President in Council must originally have been designed for the case of the Governor-General's absence at another Presidency, or beyond the limits of his own

Presidency, when he ceases to exercise the functions of local government. In such a case, the Vice-President in Council becomes the local government of the Bengal Presidency, and bears nearly the same relation to the Supreme Government that the Governor in Council of a subordinate Presidency bears under ordinary circumstances. In the cases supposed, the Supreme Government is either transferred with the person of the Governor-General to another Presidency, or is vested solely in his own person, wherever he may be.

That the nomination of a Vice-President in Council was not originally calculated for the absence of the Governor-General within the territories of his own Presidency, is shown by the remarkable fact that no such provision is made at either of the subordinate Presidencies, although the absence of Governors from the seat of government has been frequent. In every other respect, the constitution of the subordinate governments resembles that of the Supreme Government, and if the office of Vice-President had not been intended to provide for the absence of the Governor-General at a different Presidency, it is reasonable to suppose that a similar arrangement would have been established at the other Presidencies also, and that it was only thought unnecessary at the other Presidencies, because a subordinate Governor could not, like the Governor-General, remove himself to another Presidency, and exercise his proper functions at the head of the Council of that Presidency.

The first instances of the nomination of Vice-Presidents in Bengal will be found most probably to have occurred on occasions of the nature before described. It seems afterwards to have become customary on any absence of the Governor-General that promised to be of length. But the powers to be exercised by the Governor-General, and by the Vice-President in Council, separately, in the Government of the Bengal Presidency, are not clearly defined, which makes it the more likely that this double government of the same Presidency was not the case contemplated when the nomination of a Vice-President was projected.

It seems to be undeniable that the government of a vast

territory, like that which is under the Bengal Presidency, ought to have the power of performing its functions wherever it can be most advantageously exercised for the public good, and it must often happen that this would be at places remote from the seat of government.

It is true that the Governor-General has the power of moving; but if it is salutary that the Governor-General should have a Council to aid him in the ordinary transactions of government at the Presidency, it must be salutary also that he should have the same assistance when called to a distant part by important exigencies of the public service.

It is to be remembered that the Governor-General carries in his own person the Supreme Government, and the practice has always been, during the absence of the Governor-General from the Presidency, that matters of peace and war, and political negotiation—matters on which our existence as a power in India may at any time depend—are under his peculiar and exclusive control. How can it be that the same law which has declared the deliberation of a Council to be necessary for the administration of his government in the most ordinary affairs, should mean unnecessarily to deprive him of that assistance, or to remove that check, when the most important measures are to be undertaken? The law which has given full powers to the Governor-General, to be exercised in his own person, was surely calculated for a case of necessity, when the Council could not be with him. It could not have been intended purposely to separate him from the Council, when there was no real impediment to their being together.

The law which, for the public good, confers on the Governor-General the right of acting against the opinion of the Council, does not dispense with the presence or deliberation of that body. In short, it is manifest that the Government provided by the Legislature for India is a Governor-General with a Council, and it is equally clear, that to prohibit his being attended by the Council, when required by the exigencies of the public service to quit the Presidency, is to declare that he shall rule

this vast empire as an autocrat, without a Council, in palpable opposition to the intentions of the Legislature.

The Council of Bengal is designated "The Supreme Council," from the supremacy which this Presidency exercises over the others; but from the moment of the Governor-General's departure from the Presidency the supremacy of the Council ceases. The supremacy accompanies the Governor-General, and the Council becomes practically a mere local Board, neither exercising the supremacy over other Presidencies, nor that of government over its own—the supremacy and the government are both gone. The power, the efficiency, the usefulness of the Council are annihilated by the absence of the Governor-General; and the most important measures affecting the welfare of the State in every department, may be adopted without either its assent or its dissent.

I recollect having seen a letter from a Vice-President to a Governor-General, absent from the Presidency, but within the territories subject to Bengal—I avoid names, because the communication was private—stating that he was glad that the Governor-General had adopted a certain measure—an increase of the army—on his own responsibility, because he, the Vice-President, could not have concurred in it, if it had been made a measure of the Government.

The practice which prevails of providing India with a Governor-General every few years, who is not likely to have any local knowledge of the Presidency which he is sent to govern, renders it almost certain that he will wish to visit the provinces under his government; for how can he rule them with satisfaction to himself, or independence of the opinions of others, without such local knowledge? The very cause which makes it almost indispensable that he should visit the provinces, renders it scarcely less desirable that he should be attended by the Council appointed to assist him.

In every view that I can take of the question it appears to me to be in the highest degree expedient that the Governor-General, when absent from the Presidency on any lengthened service,

should have the assistance of the Council, and that the Supreme Government should exercise its functions, both of general supremacy and of local government, without division. I cannot see any inconvenience or expense attending the union of the Council with the Governor-General when he may be absent from the Presidency, that ought to be allowed to obstruct an arrangement in other respects obviously beneficial.

It would not be necessary that the bulky part of the Government should be moved. All the offices of record, all the establishments used for transcribing proceedings for Europe, would remain at the Presidency, together with a portion of the secretariat. A light corps of the secretariat, such as has usually accompanied the Governor-General, might attend the Government. I have little doubt that with management the expense of moving the Government might be less than what has hitherto been caused by the movements of the Governor-General and Commander-in-Chief.

The local business of the Presidency might be conducted either, as was proposed last year, by a member of the Government, as Deputy-Governor of Fort William, with powers delegated by the Governor-General in Council, or by a Board of some of the principal servants at the Presidency, selected for that purpose. There is little or nothing in the way of business that could not be referred as usual to the Government, wherever it might be, or entrusted intermediately, if pressing, to the Boards and Courts at the head of the several departments. All absolutely necessary, perhaps, would be to have an authority to control the others in cases of collision, requiring instant decision, and not admitting of a reference to the Government at a distance. If the experiment were once tried I am confident that all apprehended difficulties would soon vanish. I do not allude to legal difficulties, because, if there are any such, they can only of course be removed by legal remedies.

RIGHT OF ADOPTION.

[*October* 28, 1837.]

The agent in Bundelkund has submitted, in his despatch dated the 7th inst., with laudable public spirit and ability, a question of great importance, affecting the rights and interests of the British Government, and those of the princes and chiefs of Bundelkund.

The question is, whether chiefs and princes, not having heirs of the body, have a right to adopt a successor, to the exclusion of collateral heirs, or of the supposed reversionary rights of the paramount power, and whether the British Government is bound to acknowledge the adoption.

In the disposal of this question there is a wide difference between sovereign princes and jageerdars, between those in possession of hereditary sovereignties in their own right, and those who hold grants of land or public revenue by gift from a sovereign or paramount power.

Those who are sovereign princes in their own right, and of the Hindoo religion, have, by Hindoo law, a right to adopt, to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power; the latter, in fact, in such cases having no real existence, except in the case of absolute want of heirs, and even then the right is only assumed in virtue of power, for it would probably be more consistent with right that the people of the State so situated should elect a sovereign for themselves.

In the case, therefore, of Hindoo sovereign princes, I should say that, on failure of heirs male of the body, they have a right to adopt, to the exclusion of collateral heirs, and that the British Government is bound to acknowledge the adoption, provided that it be regular and not in violation of Hindoo law. The present Maha Rao of Kotah was adopted, and his case affords an instance in which the right of adoption in a tributary and protected State was fully discussed and admitted by the British Government as the paramount power.

In the case of Mahomedan sovereigns there seems to be greater doubt. I do not know that they have by law a right to adopt, to the exclusion of collateral heirs. Mahomedan sovereigns have, however, more than once claimed a right to nominate a successor from among their sons. But the Mahomedan law appears to be loose with regard to succession to sovereignties; and the safest way, where we are paramount or have a right to interfere, is to acknowledge the legitimate successor according to Mahomedan law.

With respect to chiefs who merely hold lands or enjoy public revenue under grants, such as are issued by a sovereign to a subject, the power which made the grant, or that which by conquest or otherwise has succeeded to its right, is certainly entitled to limit succession according to the limitations of the grant, which in general confines it to male heirs of the body, and consequently precludes adoption. In such cases, therefore, the power which granted, or the power standing in its place, would have a right to resume, on failure of heirs male of the body.

These sentiments are to be communicated to the agent in Bundelkund, with a request that he will classify the princes and chiefs within the range of his superintendence, with reference to the classes above described, and submit, with a list of the several classes, a statement of his reasons for placing each in the class to which he may have assigned him, and a copy of the treaty, engagement, or grant, by which each chief is connected with our Government.

It is not improbable that there are some chiefs in Bundel-

kund whom it may be difficult to place in either of the classes noticed. Those with whom we have treaties, and who were sovereign princes before we were connected with Bundelkund, will naturally be considered as such now. Those who hold solely by grants, such as are issued by sovereign to subject, and have not been generally considered as sovereign princes, will apparently belong to the other class. But there appears to be an intermediate class in Bundelkund, neither sovereign nor subject, with whom we have engagements distinct from treaties or grants, and whom it may be difficult to assign precisely to either of the preceding classes. In such cases the agent must exercise his discretion, and state his doubts, accompanied by the documents necessary for their solution.

The question submitted by the agent has originated in an application from the Rajah of Oorcha. The agent will of course repeat to what class of chiefs he considers the Rajah to belong, under the foregoing definitions. The impression at present on my mind is, that he is a sovereign prince, and, being a Hindoo, fully entitled to adopt a son and successor, in the event of his having no heirs of his body; and the adoption of his brother's son seems to be an unobjectionable arrangement. The recognition, however, of this adoption will depend on the decision of the Right Honorable the Governor-General, and the whole question discussed in this minute will be submitted to his Lordship on the receipt of the agent's further report.

The agent has noticed the apparent incoherence of the past decisions of our Government in acknowledging successions among the Bundelkund chiefs, and concludes that they have not been based on any fixed principle. But the principle which has generally operated on such occasions, has been that of recognising the succession apparently agreeable to the prince and the people, or to the latter on the demise of the former; that is the principle of non-interference in the internal affairs of other States.

PART III.

Colonial Despatches.

ON THE CONDITION OF THE ISLAND OF JAMAICA.

[The annexed despatch to the Colonial Office, detailing Sir Charles Metcalfe's first impressions of the political and social condition of the Island of Jamaica, was written shortly after his arrival there. Soon after its receipt in England, it was published, among other papers, by the Colonial Office; and Metcalfe was of opinion that the difficulties of his position were greatly enhanced by its publication. Allusion is made to this, *post*, pages 345, 346.]

TO THE MARQUIS OF NORMANBY, SECRETARY OF STATE FOR THE COLONIES.

October 16, 1839.

My Lord,—I am about to submit to your Lordship such ideas on the state of this island as I at present entertain, derived from the little knowledge that I have acquired since my arrival, and not, therefore, entitled to much weight. Nevertheless, it seems to be my duty to offer them in preference to total silence on a subject so interesting and important.

When the freedom of the slaves was established, the great question that agitated the island was, on what terms free labor could be obtained for the cultivation of the estates, from which the wealth of Jamaica has hitherto been derived. It naturally became the interest of the owners of properties to obtain labor on the cheapest, and that of the laboring population to sell it on the dearest, terms; and a struggle with these opposite views commenced between the two parties.

The practice which prevailed in slavery, of granting grounds to the laborers, from which they derived the means of subsistence, in esculents for themselves and their families, and by the sale of the surplus produce, gave a great advantage to the laborers when they acquired freedom, as it rendered them in a great degree independent of labor, and enabled them to hold out for terms. The proprietors could not hold out with the same safety, for the want of labor on their properties, at some, if not all, periods of the year, must have been ruinous. The wages of labor, therefore, have been hitherto settled more at the will of the laborer than at that of his employer; and this must continue to be the case until a great increase of the laboring population shall make labor cheaper, or until laborers shall be more dependent on labor, or until such a number of properties shall be thrown out of cultivation by the impossibility of meeting the expense, as may produce the same effect as an increase in the laboring population.

It is to be hoped that the utter ruin of estates will not take place to any vast extent; but it is confidently predicted that it must in many instances. The poorer proprietors, accustomed to pay for labor by the method of provision grounds, with little outlay of money, and perhaps none until the value of their crop had been secured, find it difficult, if not impossible, to raise the means of paying laborers daily or weekly, and that too without the certainty of obtaining labor when it may be most required; for the laborers are shy of entering into any engagements.

The laborers in some parts of the country work for only four days in the week, requiring Friday and Saturday for the cul-

tivation of their own ground; and as the best season for cultivation will often be the same for their own grounds as for those of their employer, exercising their right to work or not to work, and not choosing to bind themselves by any contract, it cannot be matter of surprise if they prefer their own interests to those of their employer. It is, I understand, often necessary to bribe highly in order to procure labor on Fridays or Saturdays, or at the critical periods of the crop.

There is, I fear, no doubt, that owing to these causes, great loss has been, and will be sustained on many of the estates, chiefly in the sugar plantations, where continuous labor is most indispensable. This is not so much the case in the coffee plantations; and I have seen statements showing that the cultivation of estates by free labor is cheaper than it was during slavery and apprenticeship,—a result which it would be most gratifying to find generally established.

As a counterpoise to the power of the laborers over wages, the proprietors have that of charging rent for the houses and grounds tenanted by the laborers, and this right is often exercised with a view to counterbalance, as much as possible, the payment of wages, and not with reference purely to the value of the house and grounds. Thus in many instances the rent of a house is charged, not as a rate fixed for the house, but at a rate fixed for such occupant of the house. These counterclaims for rent and wages keep up much irritation and litigation, but will, it is to be hoped, in time, be settled on the basis of mutual interest.

With respect to the party most to blame in these disputes, it is difficult to arrive at the truth where party spirit so much prevails. Were I to give implicit credit to some official reports that I have received, I should conclude that, whenever affairs on an estate went wrong, the management be to blame, and that the laborers were never unreasonable; while from other quarters I have a wholly different statement. I conclude that the truth lies probably between the two extremes, and that

the patience of either party is occasionally tried. Much, no doubt, must depend on the character of the manager.

The obvious remedy for the power possessed by the laborer over wages, and for his independence of labor, being the resumption of his grounds, which the proprietor has the right to resume, it may be asked why the exercise of this right is not had recourse to, as, in fact, the instances of ejectment have been comparatively few. For this there are several reasons. The proprietor, or manager, still clings to the idea that the tenants on his estate will continue to labor for him exclusively. He is not, therefore, disposed to eject them, but seeks to make their houses and grounds the means of securing their labor at the least cost. It is felt also that ejectment, carried generally into effect, would be harsh and cruel, and might drive the laboring population to desperation; for they are peculiarly tenacious of these possessions, to which they are naturally much attached; and in the purchase of fire-arms which has lately taken place among them, while one party is of opinion that it proceeds from a love of sport, the other asserts that it is avowedly for the defence of their houses and grounds.

In some instances laborers have purchased small lots of land, and thus become proprietors. I should be glad if this were a general practice. It would put an end to the causes of irritation which may continue to exist while they hold their houses and grounds on an uncertain tenure, while it would not necessarily throw them out of the laboring class, their properties not being sufficiently large to exempt them entirely from the necessity of seeking other means of support. Where they are tenants on the properties of others they are anxious to obtain leases for their grounds, which the proprietors are willing to give, if the laborers would enter into engagements to labor for similar periods; but the latter are adverse to any contract with respect to labor, and the former, or their representatives, do not like to relinquish the hold which they consider themselves as having on the laborers by keeping them as tenants at will.

I do not perceive any remedy for this state of things, except

what time and a natural sense of self-interest may supply. I should apprehend that legislation can do little or nothing towards amendment; and that it will be most advisable to let these matters take their natural course. If justice be fairly administered to all parties, they will, it may be hoped, come to a right understanding among themselves.

In attempting to describe the present relations between proprietors and laborers, I beg to be understood as speaking only generally. There are, no doubt, numerous exceptions with which I may become better acquainted hereafter.

This natural struggle between proprietors and laborers has been attended with discord and virulence between other classes of society. The Baptist missionaries have made themselves peculiarly obnoxious to the proprietors by the advice and aid which they are supposed to have given to the laborers. It seems very possible that the intervention of a third party between the two immediately concerned, giving its support to one, may have prevented a settlement that would otherwise have taken place favorable to the other, or equally fair to both; and it is quite natural that the proprietors should dislike this interference in a matter of such vital interest to their properties. It may also have operated to cause distrust and resentment between the interested parties, which is a serious evil; but at the same time it was natural that the laborers should seek the advice of the pastors and ministers who had evinced a great interest in their welfare, had weaned them from their barbarous superstitions, and had opened to them the blessings of Christianity; and it was not unnatural that, under these circumstances, advice should be given, and it may be that without the advice and support of their ministers the emancipated population might have fared worse in their dealings with their former masters, or might, from disappointment, have followed desperate courses. Considering what might probably have happened without the influence of the ministers over their flocks, it is not easy to estimate the full value of the operations of the missionaries of all denominations; but it seems undeniable that the Baptists have

pursued a course different from that of all other missionaries, for I hear no reproach uttered against the Wesleyan, or Moravian, or Presbyterian, or Church of England missionaries. The Baptists alone have become a political party, and caused themselves to be regarded as hostile to the proprietary interests. From the partisanship which they have evinced, they have, it may be presumed, greater influence than any other sect in this island, and are preparing, I am informed, to influence the elections on a dissolution of the Assembly, when such of the emancipated population as may be duly qualified will become entitled to vote.

If the political power exercised by the Baptists be an evil (and I am disposed, generally speaking, to think that it is an evil whenever the ministers of religion deviate from their purely religious functions to take a part in the strife and broils of political parties), it is an evil which does not admit of any present remedy. Either their influence will diminish from their flocks not liking to pay the amount requisite for the support of their church establishments, or it will continue to increase by the activity of the Baptists in drawing more into their fold. In the latter case, whether their influence be a bane or a blessing to the country, must depend on the spirit in which it is exercised. On the whole, although I esteem the conduct of the other missionaries in confining themselves to their religious duties, and abstaining from political strife, as more admirable and more beneficial to the country than that of the Baptists, nevertheless, if the good and the evil done by the latter were to be weighed against each other, the good, I conceive, would preponderate. The benefit of religious instruction and of its moral consequences seems sufficient to warrant that conclusion.

The conduct of the laboring population generally is represented by the stipendiary magistrates, whose reports are the most frequent channels of official information possessed by the government, as being orderly and irreproachable; and I see no reason to doubt the truth of their representations. Particular

instances of an opposite character have come under my notice since my arrival, but I trust and believe that they are exceptions to the general rule. The generally tranquil state of the country without any police, is a strong proof of the present peaceful disposition of the inhabitants. The character, however, acquired by the people in their transition from slavery to freedom, seems to be more that of independence than of submission to the will of others. They are, I imagine, as independent and thriving, and as little subservient, as any laboring population in the world. They are also, as far as I can see, cheerful and merry. They are generally, in this neighbourhood, with smiling faces and civil tongues, and seem pleased with being noticed.

The stipendiary magistrates are a class, with individual exceptions, offensive to the proprietary interest. This is not surprising. The magistracy of the country consisted formerly exclusively of proprietors, or their representatives, performing their duties gratuitously. The special justices, or stipendiary magistrates, were thrust among them purposely to protect the apprentices against them, and with exclusive powers for that purpose. Their services have been continued with similar views regarding the free laborers. These arrangements were no doubt necessary. It was scarcely possible to entrust the dispensation of justice entirely to those who were themselves so much interested in the questions likely to arise for discussion. Nevertheless, the establishment of stipendiary magistrates was extremely grating to the landed interests; and, added to the abolition of slavery, became a second revolution in the island. The annoyance was aggravated in a great degree, partly by the inexperience and unfitness of some of the stipendiary magistrates, and partly by their receiving a bias from the purpose for which they were appointed, and by their regarding themselves rather as protectors of the laborers than as dispensers of equal justice to all parties. The laborers, understanding the purpose of the nomination of stipendiary magistrates, looked to them exclusively for justice; and the latter, acting under the immediate direction of the

Governor, and furnishing him with continual representations of oppression on the part of the proprietors or their agents, a state of things was produced very unsatisfactory. The bulk of the magistrates of the island were distrusted by the government, and, together with the class to which they belonged, became generally disgusted. The continuance of such feelings is much to be deprecated. A magistracy divided into two parties hostile to each other, one party distrusted by the government and the lower orders, and the other distrusted by all the aristocracy, presents a picture which cannot be contemplated with gratification. This subject engages my anxious attention, but I do not at present clearly see a remedy. There is a disposition, I understand, likely to show itself in the House of Assembly, to form local Courts under persons qualified by legal knowledge, and free from self-interest, to be paid by adequate salaries. If any arrangement of this kind could be devised, affording real justice to the people and palatable to the landed interest, I should think it advisable to encourage it.

I trust that nothing that I have said will be considered as imputing blame to the stipendiary magistrates. They have been placed in a very delicate and arduous position, one which required that every individual holding it should be gifted, not only with legal knowledge and strict impartiality, but also with peculiar tact, temper, and discretion, and the power of sweetening a bitter potion. It was not to be expected that all could come up to this standard. Some have conducted themselves admirably, and have apparently given satisfaction to all classes of the community among whom they have been placed. If others have received a bias from the purpose of their appointment, and leaned too much to one side, it was a natural error. I do not suppose that they have in any instance intended to commit injustice. I have no reason to be dissatisfied with the conduct of the stipendiary magistrates generally, as far as it has officially come under my notice.

ON THE SOCIAL CONDITION OF THE PEOPLE.

[This paper is printed, not in regular chronological sequence, in order that Sir Charles Metcalfe's views of the general state of the island and its inhabitants may appear, before his detailed opinions are given on individual points.]

TO LORD JOHN RUSSELL, SECRETARY OF STATE FOR THE COLONIES.

March 30, 1840.

My Lord,—Being desirous of taking the earliest opportunity to visit all parts of this island, and improve my acquaintance with the state of affairs by personal inspection of the country and intercourse with all classes of the inhabitants as far as that might be practicable, I took advantage of an interval between the last sitting of the Court of Chancery and the adjourned meeting of the Legislature, and quitting the seat of government in the middle of February, made a tour of the island, and returned on the 16th instant.

I availed myself of the use of one of her Majesty's steam-vessels in some instances in which, from the bad state of the roads, I was advised not to proceed by land; but for the most part I travelled by land, that mode affording better means of seeing the state of the country.

I was received everywhere, as the representative of her Majesty, with the most cordial manifestations of loyalty towards our Queen and country, and with unbounded hospitality, attention, and kindness.

I have been disappointed in the state of the country as connected with its agricultural prospects, and have been sorry to observe much of mutual dissatisfaction between landlords and tenants, employers and laborers.

The dissatisfaction of the landlords or managers of properties arises from the want of sufficient labor, and the consequent dread

of ruin. It is almost impossible to procure continuous labor. The laborers are, in a great degree, independent of it, and therefore afford as much, or as little, as suits their own convenience; and in choosing to labor or not to labor are capricious and inconsiderate, and often strike or refuse to work when the interests of the property peculiarly require their assistance. They refuse to enter into contracts for any period, and exercise their own will from day to day, seldom giving more than four days' work in the week, or five at the utmost, and not even these quantities steadily.

This description refers to the state of things most general throughout the island. There are instances of abundant labor from a local superabundance of population, and other instances of a sufficiency from good management, or extraordinary advantages in wages or otherwise; but in general there is with reason a complaint of want of labor, and consequent deterioration of property. Besides the manifest falling off of estates in produce and profit, the want of labor is evinced in other circumstances. Few, if any, of the gentry of the island can afford to cultivate flower-gardens or lay out pleasure-grounds, although nature holds out every temptation for such enjoyments. Labor is too scarce and too valuable to be applied to luxuries and refinements, or to anything less solid or essential than profit, or subsistence, or indispensable convenience. The roads, which are for the most part in a bad state, and for the improvement of which considerable sums were voted by the House of Assembly months ago, are left unrepaired, all the labor procurable being required for agricultural purposes. Advertisements for contracts have been issued by local authorities, but remain unnoticed; and it is probable that the roads will not be touched until a season of some respite from the urgency of agriculture.

The want of labor proceeds from two obvious causes: the actual want of population, and the facility with which the population can support themselves without laboring in the service of others. In these and other remarks I am only repeating what I have said before; but where early information has been con-

firmed by subsequent observation and inquiry, it is difficult to avoid repetition. The former of the causes above noticed can only be remedied by the natural increase produced by time, or by extensive immigration, which is a question beset with many difficulties. The facility of support is more likely to increase than diminish until there be a glut in the market of the produce which the negroes generally cultivate for sale. They might then be more under the necessity of having recourse to the wages of labor; but the two professions of day-laborer and market-gardener seem rather inconsistent, and as long as they remain united, as they now are in most parts of the island, continuous labor cannot be expected, and all labor must be at the option of the peasant to give or withhold. There is not the same degree of necessity pressing on him as there is on the same class in other countries. Or, rather, there is scarcely such a class in this island as that of agricultural laborer exclusively. The laborer here goes out to labor for such time only as he can spare from the cultivation of his own grounds; and if the desires of the negroes were limited to what laborers in other countries are forced to be content with—if they were not fond of luxuries, and smart clothes, and good furniture, and riding horses, or had not the better motives of educating their children or supporting their church—they would hardly have any inducement to labor.

The difficulty of procuring labor has led the bulk of the landowners or managers to have recourse to a system of levying rent, which is meant to exact labor. If a peasant living on an estate, his wife, and grown-up children, labor steadily for the property, sometimes no rent is asked for the house and ground which they occupy; sometimes a moderate rent. If they do not work for the property, a double, or increased rent is demanded. Rent for ground especially is very generally demanded from the wife as well as the husband, and from each grown-up child, on the principle that if they work in the grounds which they occupy, and not for the property, they are deriving an advantage from the ground in proportion to the number of the family, and are, therefore, all equally bound to pay rent. In

such cases the quantity of ground is not strictly defined, and the rent may be said to be taken, not as so much ground, but as ground for so many. It rarely happens that the ground is measured and let by the acre. It is generally what is termed a ground, and has no prescribed limits; and it is deemed fair to take rent from every one who contributes to its productiveness. Some landlords pursue—wisely, I think—a different course. They have the house and ground valued by two persons, one on their own part, one nominated by the tenant. The rent is fixed by these persons, or by one umpire appointed by them in the case of their disagreement, and is taken from the head of the family without any reference to its numbers. Rent is sometimes made a separate concern from labor; wages are paid in full, and the rent is received at another time. But generally the weekly rent is deducted from the weekly wages, and is often diminished or increased according to the continuance and punctuality of labor, or the reverse.

Labor and rent, therefore, are the questions which agitate the island from one end to the other. The want of labor, which threatens ruin to his property, is the general cause of discontent on the part of the landlord. The payment of rent, or in a greater degree, the vexatious manner in which it is generally imposed, is almost universally a source of great dissatisfaction on the part of the peasantry. I include the payment of any rent as a part of their dissatisfaction, because, although they do not profess to deny that rent is a proper consequence of living on another man's property, it was evident, in all my communications with them, that it is in itself very unpalatable, and a consequence of freedom to which they can hardly reconcile themselves. They held their houses and grounds, in a state of slavery, free from any charge. They cherished the idea that the change to freedom was to be in every respect an improvement. The payment of rent is a disappointment. The actual delivery of money, or the deduction from their weekly wages, is a sore annoyance; so much so, that they often prefer paying their rent in labor rather than in money.

They either supposed spontaneously, or were led to suppose, that a law would come from England giving them their houses and grounds free of rent. The state of feeling described is not without exceptions. There are instances of a willing and cheerful payment of rent; but in most parts of the island very little rent has been paid. Many landlords, who are staunch advocates for its being required, have not ventured to take it themselves. It is only recently that the attempt has been generally made, and it is therefore at the present moment that a greater degree of excitement and discontent prevails on this subject than heretofore. During my tour, rent in the various shapes in which it was demanded was almost the only topic of complaint on which the negroes applied to me. I encouraged and sought communications with them. They professed to wish to ascertain the law from me, but I could hardly ever give them satisfaction. From the questions which they asked, it became my duty to explain the right of the landlord to such rent as he might choose to demand, the tenant having the right to seek an abode elsewhere if he did not like the terms proposed. My explanations generally caused great dissatisfaction, which was expressed, and by the females more loudly than by the men.

From all that I have heard and seen during my tour I regret exceedingly the practice pursued by the generality of managers of properties on this subject. I am persuaded that it is injurious to properties, as well as harassing to tenants, to attempt to force labor by the terms of rent. It keeps up a continual bickering and heartburning, which place the overseer and the laborer in a state of constant hostility that cannot be beneficial to the estate. Were the laborer comfortably settled in a home from which he could not be removed, or not, at least, without sufficient notice, there would, I am almost sure, be a better chance of obtaining willing labor from him, than there is of compelling him to work by altering his rent on every failure of labor, and by the constant disputing which such a plan engenders. Were he settled in a home, either purchased by himself or rented on a lease, let it be even for so little as a year

certain, with six months' notice to quit, he would either, according to the quantity of ground that he had obtained, be able to support himself entirely without going out to labor, or he would go out to work for his wants, or with a view to the increase of his means of enjoyment. A person in the former circumstances, and content with the produce of his own ground, cannot be expected to labor; and, having the means of placing himself in that position, cannot be compelled to labor by any attempt to reduce him to that necessity. A person under that necessity, or induced to labor by a laudable desire for increase of means, will naturally labor, *cæteris paribus*, on the property on which he is a tenant, or on that which is nearest to him, and which gives him the least trouble in reaching his work. I am happy to add that several gentlemen take this view of the question; that some have sold land to negroes, and thus given them a settled abode; that others are beginning to perceive the advantage of doing the same; and that this view is, I trust, gaining ground. I shall do all that I can to promote it, from a conviction that it will increase the happiness and content of the negro population, and from a belief that it will also tend to the benefit of landlords. My notions on the subject have already been publicly expressed. It may be expected that they will be unpalatable to those who think differently; but I hope that by degrees the same view will be generally adopted. Wherever I have found the landlord or manager satisfied with his laborers, I have also found that the latter have been in some way made easy on the subject of rent.

Considering the mutual discontent generally prevailing between landlords and laborers residing on the properties, it is surprising that the parties do not separate oftener than they do. But there is on both sides a tenacity to the old connexion which keeps them together. The landlord does not like to eject those whom he still regards as his proper laborers, although he cannot obtain labor from them, and the laborer clings to his house and ground on the estate where he has long held them, although he is harassed by vexatious demands on

account of rent. Thus they remain together squabbling and inflaming mutual ill-will, when they would understand each other much better if they separated, and reduced the question between them to one of labor and wages. Either this, or the placing of the rent question on a distinct and settled footing, is, I conceive, indispensable, both for the comfort of the peasantry and the well-doing of the properties. The chief cause of the misunderstandings respecting rent is, that the landlord cares little for the rent, and almost solely regards labor. Were rent taken for its own sake distinctly, it would soon be settled on a proper footing.

In parts of the island separation has taken place, and considerable numbers of the negroes have purchased land, on which they are busily engaged in settling themselves. I have heard of their paying as high a rate as 50*l.*—equal to 30*l.* sterling per acre; but in general the rate is much lower. Different opinions are entertained as to the result of these settlements. Of those qualified to judge, some suppose that from the land becoming in a short time less productive, the possessors will be compelled to labor for their support, while others anticipate that they will continue, notwithstanding, to derive a scanty subsistence from their land, and will themselves decline in prosperity along with it, preferring a life of idleness and want to one of industry, comfort, and respectability. It appears to me that the land which they purchase is chiefly for the purpose of obtaining a secure home; that it is generally too little in extent to be looked to as a permanent source of subsistence; and that they must calculate either on obtaining additional means of comfort by going out to labor, or on taking more land on lease for their own cultivation. I do not, therefore, anticipate the unfavorable result which some predict; but as these are gentlemen who have experience of the negro character, I should hesitate to set up my opinion against theirs, were it not that others of equal experience differ from them, and maintain the more favorable view of the question. For my own part, I rejoice at these settlements of the laborers. Their present happiness must be

greatly increased, and I do not see that the consequences must necessarily be injurious to the landlords. I rather think that there is a greater probability of their proving beneficial.

In observing the different manner in which different properties are going on, some doing well, others deteriorating, one is often puzzled to discover the cause of the difference. Sometimes it is obvious enough. In other instances it cannot be explained, and it would require a most minute knowledge of all the circumstances to detect it. One might suppose that kindness, which succeeds in one case, would do so in others; but it is not always so. The landlord acting with the same liberality on all his estates, finds the plan which succeeds admirably on one, totally to fail on the other, and is at a loss for the reason. The same manager having two estates under his charge closely adjoining, and using the same management in both, finds the tenants on the one working well, and those on the other doing the reverse, without any perceptible cause for the difference. In addition to other circumstances which operate, and are not always discernible, there appears to be a sort of distinct character belonging to the laboring community of each estate, or some motive of action which they embrace in common, independently of the doings on neighbouring properties. One hears continually that the people on such an estate have always done well, while those on another close by have at all times borne a bad character. The same distinction exists with respect to parishes: the people of some having a better reputation than those of others. It is difficult to understand how such differences have been brought about, considering the common origin in one sense, and similar education of the people everywhere; but as the nations of Africa from which slaves were brought differ greatly in character from each other, it is possible that different characters may have been formed in different parishes or on different estates, according to the predominance of docile or indocile races among the slaves imported therein.

It is common in this island to ascribe the sullen conduct of the laboring population of certain parishes to the influence of

the Baptist missionaries, which in those districts is predominant. Whether the charge be just or not, I cannot pretend to determine; for, although I see much to regret and blame in some of the missionaries of that sect, who, instead of being ministers of peace, are manifestly fomenters of discord, and whose conduct would naturally tend to produce the effect ascribed to it, I do not see reason to believe that the people in those parts in which the Baptist missionaries have little or no influence, are altogether free from the same disposition which these are accused of creating. It seems probable to me that their great influence, where it exists, is more owing to their encouraging the feelings of the community under them, than to their having called those feelings into existence.

That they do encourage feelings of discontent, and that they direct them against the landowners and the authorities of this island, cannot be disputed. They recently assembled some thousands of their negro congregation, in order to persuade them that certain laws passed during the first part of the present session of the Legislature are iniquitous, and to tell them that one of their pastors was going home to effect the repeal of those laws. A ludicrous circumstance occurred at the meeting, showing that the negroes were perfectly insensible of any injury from the laws, and that they were merely tools in the hands of the missionaries, who had brought them together. The language used by the missionaries at this meeting was calculated to inflame the negro population against the European part of the community, as well as to persuade them that no redress of injuries could be obtained from the Local Government, and that their only chance of relief was by the influence of their missionaries with the Queen's Government at home. The motives of these gentlemen in this conduct can only be known to themselves; but as it suits their interests to produce the impression that they alone in this island are the friends and protectors of the emancipated population, it is not surprising that they have not credit for perfect disinterestedness. Whatever may be their motives, their conduct must foment disaffection

in the minds of an inflammable people. I do not suppose that they mean to produce insurrection and bloodshed; but they ought to see that they may raise a spirit which it will not be so easy afterwards to subdue, and, on the whole, I must condemn such proceedings, as being both erroneous and mischievous, although I have not thought it necessary or expedient to take notice of them.

One of the most remarkable instances of failure of properties is on two estates belonging to Lord Seaford, called the Old and New Montpeliers. They are among the finest properties in the island. The works were destroyed during the last rebellion, but have been rebuilt on one of the estates, and are sufficiently extensive for the use of both. The estates have had ample time to recover from the disasters of the rebellion. Lord Seaford is known to be one of the most kind, considerate, and generous proprietors of the island. He has had good managers, who have been successful in other instances. There is an extraordinary number of peasantry residing on the lands. The properties have abundance of fuel, and every requisite within themselves, and the assistance of one of the finest cattle farms of the island, belonging also to Lord Seaford, near at hand. No estate in the colony has better means of doing well. One would say that the two Montpeliers, which, though two in name, are, in fact, so completely joined as to form one undivided property, ought to be most prosperous. Nevertheless, the reverse is the result. In the last year they did not produce one-tenth of their produce in former days. This year they are expected by the manager to yield still less. They not only absorb in their own expenditure all the profits of the cattle farm above mentioned, but the culture of the whole is a net loss of a considerable sum to the proprietor. The people will not work in sufficient numbers, nor with sufficient steadiness. Neither, as I understand, do they pay rent freely, although Lord Seaford was one of the first to enjoin the entire separation of the rent question from that of labor. It is difficult to account for the ruin of these properties. It is said that Lord

Seaford acted injudiciously in building works at the New Montpelier for both estates, instead of at the Old, after those of both were burnt down by the slaves in the last rebellion; as in consequence of his doing so the people of the Old Montpelier, who regarded themselves as superior to those of the New, took umbrage, and have ever since refused, or been disinclined to labor at the new works. This, however, which is true to a great extent, and is a striking instance of the sort of *esprit de corps* existing in the separate communities established on properties, would not account for the slackness of labor on the part of the people of New Montpelier, and the extreme deterioration in the quantity of produce. Some other reason, therefore, must be sought. I have heard the conduct of the people on both properties loosely ascribed to the influence of the Baptist missionaries, because their influence is supposed to operate generally in such a way, and is predominant in that quarter; but I have not heard any more positive reason assigned for the belief in this instance. Neither can I imagine what particular motive they could have for persuading the people to work less on Lord Seaford's properties than elsewhere; nor do I believe that the people would be dissuaded from working if their wants were not amply supplied without it. I therefore attribute the deteriorated condition of those properties to the fact that on the broad lands belonging to them the people enjoy the use of unlimited and extensive grounds, which they cultivate for their own benefit, and that the necessary stimulus for labor on the properties is consequently wanting.

I have made this particular reference to the deterioration of the Montpelier estates, because, though a remarkable, it is not, I believe, a singular instance.. There are many properties said to be in a similar predicament. There are others which are very prosperous. I have seen statements showing that the expense of free labor is considerably less than that of supporting slaves; and if sufficient labor could be procured, this would, I conceive, be the general result; but when labor cannot be found, and properties in consequence become deteriorated, the contrary

issue must be felt. There are those who still maintain that labor can always be procured by kindness. I wish that I could think so. I should then have better hopes than I can at present entertain of early prosperity with the present population. But it cannot, I fear, be justly denied, that there is a great want of labor proceeding from the obvious and natural causes of a scanty population and a facility of subsistence. The very idea that labor must be coaxed is a confirmation of that fact.

When one seeks the remedy for this hindrance to the cultivation of properties, and to the development of the latent resources of this fertile island, which is probably a mine of unknown wealth, one can only look to the increase of numbers in the slow progress of time, or to the effect of extensive immigration. This subject naturally engages the attention of all persons concerned in properties, or who take an interest in the prosperity of the island. Various plans are thought of. The majority of those interested advocate the introduction of free Africans, as being the people best suited to labor on the low lands, where the most wealthy estates, those of sugar-cane, are generally situated. Asiatics also are looked to; but it being known that great objections exist at home to any attempt to obtain either African or Asiatic emigrants, it is supposed that the Maltese will be the best substitutes. The colored population of America are also objects of speculation; but it is understood that they have higher wages in their own country than properties in this island could afford to pay. The introduction of Europeans has been tried, but generally without success. I submitted to your Lordship, in a former despatch, a statement of a successful establishment of Europeans on the property of the late General Fraser. I was sorry to learn, during my recent tour, that since that gentleman's demise the experiment has proved a failure. Three townships also, established by the Legislature of the island, have failed. I have, however, seen a party of English laborers on the property of Mr. Salmon, a member of the Council, mostly young men, who were healthy, happy, and prosperous. It was very gratifying to hear from

their own mouths a statement of their prosperity and contentment. They mentioned that they had difficulties to contend with at first from not understanding the methods of cultivation suited to the country, but that now they were not only at ease themselves in that respect, but could put any of their countrymen who might join them in the way of doing well. Their life seemed to be one of great comfort and enjoyment, and far superior, in those respects, to that of laborers in England. They were located in an elevated part of the island, where the climate is cool and salubrious. I saw also a considerable importation of Scotch families on the property of Mr. M'Neil, the custos of Westmoreland. They had suffered most lamentably from a typhus fever on board ship on their passage out, but the survivors were recovering fast under Mr. M'Neil's care. They were then in the mountains. Some of them have since, I understand, been located on his properties in the low lands, and are said to be doing well. My own desire would be to see the elevated parts of the island peopled by our own countrymen, English, Scotch, and Irish, leaving the low lands to the negroes, who seem to prefer them, and where Europeans cannot, I conceive, be located as laborers, consistently with the preservation of their health. In the high lands the climate is congenial to Europeans, and far superior to that of our own country. They could perform all the labor requisite, and would realise a plentiful and very comfortable subsistence; but they must come contented to be laborers, until they can raise themselves higher by their own exertions. They must be temperate, else they would soon be destroyed. Houses must be prepared for them in the hills ready to receive them on their arrival; and they must not be allowed to remain in the low lands after their arrival, otherwise they would most probably lose their health. If shoals of emigrants were landed at the seaports, without previous arrangements for locating them in the mountains, there would be dreadful mortality among them. On the whole, the subject appears to me to be full of difficulty, and I do not entertain any sanguine hope of speedy relief to

the agricultural interests from immigration. A bill on the subject is now before the House of Assembly; and a strong desire exists very generally to procure an increase of population in that way.

I turn from the cheerless prospects of proprietors to a more pleasing feature in the present order of things. The thriving condition of the peasantry is very striking and gratifying. I do not suppose that any peasantry in the world have so many comforts, or so much independence and enjoyment. Their behaviour is peaceable, and in some respects admirable. They are fond of attending divine service, and are to be seen on the Lord's Day thronging to their respective churches and chapels, dressed in good clothes, and many of them riding on horseback. They send their children to school, and pay for their schooling. They subscribe for the erection of churches and chapels; and in the Baptist communities they not only provide the whole expense of the religious establishment, but by the amount of their contributions afford to their ministers a very respectable support. Marriage is general among the people; their morals are, I understand, much improved; and their sobriety is remarkable.

For these very gratifying circumstances we are indebted to the ministers of religion in the island of all denominations—Church of England, Church of Scotland, Moravians, Wesleyans, Baptists. Bishop, clergy, and missionaries all exert themselves, and vie with each other in amicable rivalry to do good to their fellow-creatures. The number of churches, chapels, and schools built and being built in every part of the island affords a most pleasing and encouraging sight. In this respect the prospects of the island are very cheering; and the liberal support afforded to useful institutions, and the encouragement given to religious teachers without bigoted exclusions, are creditable to the island Legislature, and every part of the community.

My attention has necessarily been directed, as one of the most important parts of my duty, if not the most important of all, to the administration of justice by the magistrates.

The Baptist party proclaims that the peasantry are oppressed and crushed by cruel landlords and by iniquitous laws passed in the first part of the present Session. I certainly did not perceive any general symptoms of such oppression during my tour. I found the peasantry remarkably comfortable, with money in plenty, and independent and their own masters in a greater degree, I believe, than any peasantry in the world. The prisons were almost empty. The only vexation that the peasantry seemed to me to be subjected to, was from the erroneous system of taking rent adopted by the majority of landlords or their managers, which has been already described; and from that vexation the people could relieve themselves, either by working steadily for the estate, or by seeking a more comfortable tenure elsewhere, which there could be no difficulty in finding in a country abounding with spare land of the most fertile description; I do not mean to advocate in the slightest degree what I conceive to be a very erroneous exercise of the rights of landlords in the mode so frequently adopted of regulating rent with a view to obtain labor. I heartily wish and constantly hope that it may cease. But it does not seem to me to merit the opprobrious designation of oppression; whatever, however, it may be termed, it is the only manifest annoyance to which the peasantry are subject.

With respect to the laws passed during this Session, I am not aware that any of them are iniquitous. The petty debt act has come into frequent operation as the readiest method of recovering rent or wages. It applies equally to both sides, and I do not perceive that it is an unjust act, unless rent and wages ought to be left unpaid. The establishment of a Police is not likely to be popular with the lower classes until they experience benefit from it, because it must in some respects operate as a restraint. I received, however, only two complaints against the Police during my tour, which were connected with the examination of goods under the suspicion of their being stolen or illicitly conveyed. A Police improperly directed may be a nuisance. I therefore issued injunctions to prevent vexatious

intermeddling with the people when the law passed, and have renewed them in consequence of the complaints that I received; but the paucity of complaints is rather a gratifying proof that the Police are not offensive. There are other laws, which by the party that will not allow Jamaica to settle into a state of peace, are reprobated as iniquitous, but I have not heard a single instance of their being the cause of injury or suffering to any one.

Of the gentlemen of the country and the magistrates generally I see much reason to entertain a good opinion. I see none to suppose that they are bent on injustice. ' There are instances of irregular proceedings and wrong judgments from ignorance of law, such as may occur, probably, in all countries where there are Courts of unpaid magistrates; and there are complaints of undue bias in their decisions against both ordinary and stipendiary magistrates; but I do not believe that there is wilful injustice. I certainly should not pass over any instance in which I might be satisfied of its existence, without such punishment as it might be in my power to inflict. I hope, by obtaining legal opinions on every disputed question, and so laying down rules for future decisions, to prevent gradually the errors to which the petty Courts are liable. I feel, however, much the want of Courts of Appeal, and shall endeavour to institute them out of existing materials, if they be not provided by new enactments of the Legislature.

I regard my administration as an experiment which will show whether justice can be faithfully administered, and the emancipated population be duly protected in the full enjoyment of their freedom and rights on a system of conciliation and confidence towards the local Legislature, the island magistracy, and all classes of the community. My opinion at present is, that this system and those results are not incompatible. If I find myself deceived in this expectation, I shall lose no time in apprising your Lordship of my disappointment.

The chief obstruction to the general harmony and happiness of the island appears to me to consist in the unceasing efforts of

a small party to blacken nearly the whole of the European community. That party is composed of Baptist missionaries and a few other individuals, and has two newspapers in its interest. It attacks the island institutions, as well as individuals, with virulence, and is not deficient in either talent or energy. Professing to be the only friends of the negroes, its members have much power over the minds of that class. They have also the ear of the society in England calling itself the Anti-Slavery Society, and communicate with the press connected with that society. They, therefore, form a party of great influence, either to affect measures or to injure reputations.

I have incurred the resentment of this party, owing to the publication, among the papers laid before Parliament, of my letter of the 16th of October last—offence having been taken at a portion of the information and remarks submitted therein—although there is nothing, I think, in that despatch beyond what every reflecting man would admit it was my duty to state in seeking to afford information on the state of the island. I represented in my letter of the 30th of September last the difficulty that there would be in conciliating all classes, and how conciliation towards any party might lead to distrust and irritation in another. My apprehensions have been realised. The harmony subsisting between the several branches of the Legislature, and generally throughout the island, has been received with distrust and disappointment by the party above described. A suppressed disposition to attack me on this account had been evinced before the arrival of the last packet; and now that my despatch of the 16th of October has afforded assumed ground for resentment, I must expect that my measures, past, present, and future, will be reprobated. Threats have already been uttered. One reverend gentleman has taken the field, one of their two papers is up in arms, and the other may be expected to follow the example.

The publication of my letter alluded to of the 16th of October has counteracted the plan, which I had carefully adhered to, of avoiding the unnecessary expression of sentiments at which

offence could be taken by any party. This had so far succeeded that neither my measures nor my opinions had been attacked by any party; although the one in question evidently disliked the general cordiality established in the European community. Their peaceable conduct towards the Governor personally might have lasted until general amelioration had extinguished party spirit: but peace has been abruptly terminated by their resentment at the letter above mentioned, and the attacks since made are probably the commencement of an interminable series. I shall, nevertheless, continue to communicate to your Lordship my sentiments on all subjects of public interest without reserve, holding it to be my duty to do so. It will rest with you to determine whether the publication of those sentiments on every occasion be expedient for the public service or otherwise.

I have not alluded to the declared enmity of one of the parties in this island from its probable effect on me personally. I have been long enough in public life to know that a public man must expect abuse, and that his only sure stand-by is the approbation of his own conscience. I am not, therefore, complaining of what I know to be inevitable and irremediable; but I think it right that your Lordship should be aware of the position in which the Governor now stands, his attempt to conciliate all parties having failed with respect to one; and that party, though small in the European community, possessing immense influence over masses of the negro population, and an intimate connexion with a large party at home.

They are fully sensible of their influence over the negro population of their own persuasion, and, judging from their past proceedings, I cannot rely on their wisdom and moderation in the use that they may make of it in order to accomplish their ends. What their ends are I cannot comprehend; for if they were really the welfare of the island and the happiness of the peasantry, I cannot imagine how these gentlemen could expect to accomplish those objects by encouraging hatred in the negro population against the European community, and by

irritating the latter with incessant abuse. The Baptist missionaries were, I understand, in past times subject to much obloquy and persecution, and still receive an equal measure of abuse in return for what they give; but at present I regard them as the aggressors, for all other parts of the community seem to me to desire peace and harmony.

I speak of the Baptist missionaries as a body, because they appear to act as a body, and because there is no symptom among them of dissent from their public proceedings. There may be individuals among them who do not concur with the majority, but if there are, they show no sign of disapprobation. As ministers of religion and instructors of youth, they, in common with ministers of other churches and sects, have rendered and are rendering inestimable service to the Colony; but as the political body into which they have constituted themselves, they are, I fear, interested, designing, and turbulent, as well as dangerous to the public peace from the influence which they have acquired. I consider it to be very unfortunate that this powerful party has become irritated against the Governor personally, because this feeling may do incalculable injury to the public service; but nothing on their part shall induce me to swerve from my duty, which includes justice, liberality, and conciliation towards them as well as towards every other party in the colony. My opinions regarding them have been forced on my mind by their proceedings; and these opinions it is my duty to submit. I shall heartily rejoice if I see reason to change them; and my most anxious apprehensions regarding the fate of Jamaica would thereby be removed; but no representation of the state of the island could be faithful that excluded from view the influence possessed by the Baptist missionaries, and the spirit in which it is exercised.

THE LABOR QUESTION.

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

November 14, 1839.

My Lord,— . . . . I have been endeavouring, ever since I assumed the charge of this government, to inculcate temper, forbearance, charity, and harmony among her Majesty's subjects in this island, and I see much reason to hope that the good sense of all parties will ultimately secure these desirable results.

The real difficulty, with regard to the prosperity of the proprietors, appears to me to consist in the means possessed by the laborer of comfortable subsistence, independent of labor for wages. He may have recourse to the latter for the sake of money, or handsome clothing, or luxuries, but he is hardly ever reduced to it from absolute necessity. The usual order of things prevailing in other countries is thereby reversed in this; and it is here no favor to give employment, but an assumed and almost acknowledged favor to give labor. There is a sense of obligation in being served, but none in being employed. I see no remedy for this difficulty but what time may produce. Immigration, from various causes, is not probable on a sufficient scale; and people will not labor without an adequate sense of self-interest. Those who do not feel the necessity or advantage of working from that motive, cannot be expected to exert themselves from benevolence to others, or notions of duty to the community. Nevertheless, from all that I hear, I believe that, in respect to labor, considerable improvement is gradually

making way. The tone of the landed gentry is not universally so despondent as it appears at one time to have been. The respective parties are making arrangements together, with more or less mutual satisfaction in different parts. A return of staple exports, from the 10th of October, 1837, to the 10th of October, 1839, herewith enclosed, shows a large decrease in the exports of the last year of that period compared with the one preceding, and it is apprehended that there will be a further falling off in those of the next season, owing to the want of labor in 1838; but there seems to be a general opinion that the return of 1841 will be more favorable.

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

December 30, 1839.

My Lord,—I see no reason to be dissatisfied with the manner in which affairs generally are at present proceeding in this island. A good understanding between employers and laborers appears to be gaining ground, and there are fewer complaints than there were on the part of landholders of disinclination on the part of the peasantry to work. It seems to be now generally admitted that there is a manifest improvement in this respect, comparing the period of this year since August or September with the same period of the last.

Disputes and litigation still continue in some degree, but the instances, with reference to the number of the parties in question, do not appear to be numerous, and have much decreased. Those that have come under my notice have been for alleged breach of contract on the part of the laborer, and consequent withholding of wages on the part of the employer, or few demands of rent for houses and grounds. As the laborers seldom enter into engagements for labor beyond a week, the landowners, in many instances, refuse to let house or land for a longer period. Rent, therefore, may be legally exacted with a very short notice, on any terms that the landlord may choose

to impose; and it is often made subservient to labor, being lessened or entirely remitted, in addition to payment of wages, if labor is afforded, and doubled or trebled if labor is withheld. It is in some places a practice to take rent from every individual subsisting himself by cultivation on a property, if he do not work for the estate, without regard to the number that may occupy one house or till the same ground, the rent not being levied on the actual value of the house, or on any specific quantity of ground—this being in most cases without precise limits or measurement—but on the privilege of residence and the advantage of deriving subsistence from the land of the estate. In such cases, the demand is modified or relinquished if the tenants work on the property, but exacted in full if they do not. This mode of levying rent is deemed lawless oppression by the exclusive advocates of the emancipated class, while by those who have recourse to it, it is regarded as a necessary self-defence against the power of the laborers to ruin the estate by striking work at any critical period—a power which they generally possess, from their reluctance to enter into engagements for work, and which they are said to exercise without hesitation when it suits their convenience or pleasure to do so. The most revolting feature of this state of things is, that the destruction of provisions planted by the tenants is, along with their expulsion, sometimes, but I hope rarely, the consequence of disputes with the manager of the property. I have heard of instances of this kind, but none have come officially before me; nor have any, as far as I am aware, been made the subject of complaint before any Court. There may be cases in which even this extremity, barbarous as it seems, may be both legal and justifiable; but I trust that the occurrence of the practice is confined to the few instances in which I have heard of it. I have adverted to this question of rent in a former despatch, but have recurred to it again, because it seems to me to be the one that remains more unsettled than any other part of the relations between the agricultural laborer and his employer, and the only one likely to continue a subject for agitation. It

is not, however, to be inferred that the owners or managers of all properties act on the system described. I have heard several dilate with pleasure on the advantage which they have derived from making rent and wages totally unconnected; by taking their rent separately, regularly, and without diminution; and by paying wages without any deduction on account of rent. Under these circumstances, they say the tenants prefer, for their own sakes, as well as from good feeling towards their landlords, to work for the estates on which they are located, and do so cheerfully, so that there are no disputes. I should hope that most commonly the separation of the questions of rent and wages has already taken place, and that it will become the practice universally. There will be no difficulty on these subjects when labor is as essential to the peasant as it is to the landlord, and when the rent of house and land is, in itself, of sufficient value to recompense the landlord for the letting of his property, without reference to other considerations. Until then, I can only hope that good sense will mutually prevail, and the two parties concur in what is beneficial for both; for I apprehend that any attempt to interfere by legislation would be both futile and injurious.

With reference to the relations of Jamaica with the mother country, a good spirit seems to me to prevail throughout the island; and this has, I think, been evinced in the proceedings of the Legislature during the present Session. I am awaiting the receipt of copies of the numerous acts that have been passed, in order to lay them before your Lordship, with such remarks as the contents of each may suggest.

STIPENDIARY MAGISTRATES.

[At page 327 reference is made to the circumstances under which the Stipendiary Magistrates were appointed. They were sent out with the object of counteracting the supposed one-sidedness and injustice of the local magistracy, which was composed principally of the proprietors and their agents; but Sir Charles Metcalfe, seeing that much ill-will was perpetuated by the existence of the stipendiary body, was anxious gradually to abolish it, by abstaining from filling up vacancies as they arose.]

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

December 21, 1839.

My Lord,—I report with regret the death of Captain Reynolds, one of the stipendiary magistrates, and a respectable officer.

I should have suggested, for your Lordship's consideration, that the opportunity unfortunately afforded by this casualty might be taken to commence a gradual and experimental reduction of the number of stipendiary magistrates, for reasons which will be explained in a subsequent part of this letter. My only inducement for not submitting that recommendation on the present occasion is, that there are two gentlemen acting as stipendiary magistrates in the places of absentees, on whose return they would be thrown out of employment, if they were not provided for by nomination in succession to vacancies, by death, resignation, or removal. They were appointed to officiate by

my predecessor, and are, I understand, deserving men. It rests with your Lordship to determine whether their claims to succeed shall be allowed, or a reduction be actually commenced on the present occasion. If you approve the gradual reduction that I contemplate, I shall avoid the occurrence of any future claims of this description by abstaining from the nomination of any additional magistrates to act for absentees,—a course that I have no doubt can be adopted without disadvantage, while it will tend to advance the gradual reduction which I conceive to be desirable.

Your Lordship will probably expect from me a statement of my opinions on the question of the abolition of the special magistracy in August, 1840, or its continuance beyond that period. I therefore embrace this opportunity to submit my sentiments on that subject.

It is impossible to enter on this question without bringing to mind the hardship and suffering that would attend the turning adrift of a number of meritorious gentlemen, whose sole dependence is on the subsistence afforded by the offices which they hold. I am sensible, however, that the question must be decided on public grounds, and that private considerations must be excluded.

In some respects the abolition of the existing stipendiary magistracy is very desirable. It would remove the only cause of offence in the present order of things. The stipendiary magistrates have had such a part to perform in this island, that the landholders, composing the principal portion of the influential community of the country, cannot be expected to be reconciled for a long time to come to an arrangement which they regard as a grievance and great affront to themselves. No measure could be more gratifying to them than the abolition of the stipendiary magistracy. Many admit that, in the altered state of society, some stipendiary magistrates are necessary, and that the business of the country cannot be sufficiently carried on by unpaid magistrates alone. The Legislature would probably be willing to provide for the requisite number of fixed magistrates,

and might not object to the employment of a few of the present stipendiaries; but the existing institution and the majority of its members are objects of rooted dislike, and its abolition would cause great joy and satisfaction to the landholders generally.

I do not ascribe these feelings to any expectation that the removal of the stipendiary magistrates would restore a coercive power over the laboring population—for I do not imagine that any such idea exists—but to the belief that the presence of the stipendiary magistrates on the present system, and the spirit in which their functions have been exercised, do and will prevent the influence which the landlords in other free countries naturally possess over the agricultural laborers in their vicinity, and over tenants on their estates.

I cannot pretend to say what would have been the consequence in carrying the establishment of freedom into effect if stipendiary magistrates on the present footing had not been located in the several parishes, but it appears to me to be certain that their introduction has, in a great degree, tended to preclude the formation of the mutual agreement and attachment which exist elsewhere between landlords on the one hand, and tenants and laborers on the other, and are essential for the contentment and prosperity of an agricultural community. Whatever may have been the advantages produced by the stipendiary magistrates in other respects, they have, I fear, caused or promoted the great evil of discord between the landholders and the laboring population. I should, therefore, regard the abolition of the stipendiary magistracy as most desirable, if I were satisfied that it would now tend to establish those relations which, for the welfare of the community, ought to subsist between the higher and the lower orders.

It may naturally be doubted whether the abolition of the stipendiary magistracy could be carried into effect without producing injustice towards the laboring population, by placing them under a magistracy composed almost exclusively of landlords and their agents. I cannot presume to determine so im-

portant a question, but I should entertain a confident hope that the measure might be adopted without that lamentable result. The local magistrates are removable by the Governor at pleasure; and I should expect that, by a watchful attention to their conduct, by working on their good feelings, by settling all doubtful points either by law or by legal opinions, and by insisting on the administration of justice accordingly, as well as by the formation of such institutions as the Legislature of the island might be disposed to maintain for the purpose, the equitable administration of justice might be secured here, as well as elsewhere, without the continued imposition on the colony of a class of magistrates who are naturally odious to those whose influence they in great measure subvert.

I have no apprehension that the laboring population would tamely submit to injustice, even if I saw reason to anticipate, which I do not, that injustice would be systematically attempted. I do not suppose that there exists in any part of the world a laboring population less likely to submit to oppression without making every practicable exertion to resist it. They are fully sensible of the rights of freedom; and having stepped into them suddenly, they are more tenacious of them, in every tittle, than those who have grown up in the possession of those rights from infancy to manhood. At the same time, having been taught, by circumstances and the instruction of others, to regard their former masters as their enemies, they are devoid of that habitual deference and respect for their landlords and superiors which the rural population of other countries generally imbibe. I have not the slightest apprehension that they would submit to injustice without struggling for redress. I should rather fear that they would be hasty in conceiving and resenting it, even where the symptoms might be questionable. These opinions may be erroneous, and I shall be glad to correct them when I find that they are so. I submit them now without sufficient experience to give weight to them, because the occasion requires that I should state what my opinions are on this important point.

As far, therefore, as regards the essential administration of justice, and the conduct to be expected from the local magistracy, I should have no hesitation in carrying on the government of this colony without the aid of the present body of stipendiary magistrates, and am of opinion that they might be discontinued without any ill effect on those points; but there is one consideration which deters me from recommending their sudden or complete removal. The emancipated population have been taught to regard their former masters as their oppressors, and the stipendiary magistrates as their peculiar protectors—as a body especially appointed for the security of their freedom and rights. If the charge against the stipendiary magistrates of partiality towards the laboring population be in any degree true, that circumstance must tend to increase the exclusive confidence of the people towards them. I cannot tell what might be the effect of a sudden removal of the stipendiary magistrates. Its operation on the imagination of the people might produce serious and deplorable consequences, even if no pains were taken to aggravate their despair.

I *cannot*, therefore, venture to recommend a proceeding, which otherwise, on some public grounds of importance, I should regard as very desirable. But I am induced, by the various considerations that I have stated, to believe that a gradual reduction is advisable.

The gradual reduction which I have recommended may seem to your Lordship to be too slow in its operation, if you should approve the reduction of the number of stipendiary magistrates on any plan; and it certainly would be too slow for the expectations of those who desire the removal of the whole body. I nevertheless am unable to suggest any other scheme of reduction that appears so likely on the whole to accomplish the various objects that must be kept in view. The method that I propose is, that every opportunity be taken of death, resignation, removal, or promotion, to reduce the number, and that the operation be facilitated by taking advantage of every occasion on which a magistrate can be transferred to any other office

without injury to his interests. By this method the people will become gradually accustomed to the want of stipendiary magistrates, and if any evil should thence arise, it will become apparent before the mischief be either great or irremediable. In the mean time the stipendiary magistrates may be instructed to pursue a course which will render them less obnoxious to the landed gentry, by seeking exclusively to do justice, without reference to the situation or color of the parties, and by ceasing to regard themselves as the protectors of a particular class—a feeling which can hardly fail to impair their judicial impartiality. In this manner, and by settling doubtful points, and leaving less to the discretion of magistrates than is at present in that predicament, owing to the numerous questions that arise under a new order of things, I should hope that the gradual reduction of the stipendiary magistrates might take place with good effect and without any mischief, and that by degrees the irritation which their appointment or their conduct has caused will cease, so as eventually to lead to their admission, by consent of the local Legislature, into the institutions paid by the island, as a useful and efficient body—an admission which is at present totally impossible.

If your Lordship, admitting the expediency of some reduction without a total abolition, should insist on an immediate reduction to the lowest number that might be deemed necessary, it would be my duty to state that the number might be reduced to one for each parish, or about one-half of the present establishment; not, however, without some apprehension on my part that so great a reduction, suddenly executed, might alarm the emancipated population, not merely through their own fears for the loss of so many supposed protectors, but also through the sentiments which they would hear from their advisers. On the other hand, such a reduction would be more gratifying to the landholders than the gradual one before suggested, as it would in a greater degree advance the object of their earnest desire. If your Lordship should require so great a reduction at once, I would recommend that it should be carried into effect

on some general principle, such as the retention of the seniors and the discharge of the juniors; that would preclude the idea of partiality, from which it would be scarcely possible to escape in any selection according to estimated merit, the standard of merit being so different in different branches of the community, that the absence of partiality would not be sufficient to prevent its being inferred.

There is at present before the House of Assembly a bill for the improvement of our judicial establishments, which includes a provision for the appointment of chairmen of the Courts of Quarter Sessions, to be nominated from gentlemen of legal education and practice, either barristers exclusively, or including solicitors, as may be determined. If this bill be carried, several members of the House of Assembly will have given their support to it chiefly for the purpose of effecting the removal of the stipendiary magistrates. If the Courts, under legal chairmen, obtain the confidence of the emancipated population, the only objection on public grounds that I see to the removal of the magistrates paid by the mother country will be obviated. It would then become my duty to submit an opinion to that effect for your Lordship's consideration.

I have now stated, I fear in too hurried a manner, owing to the expected despatch of the packet, all the essential points that occur to me on this important subject; my own inclination being at present towards the gradual reduction that I have endeavoured to describe.

THE GOVERNOR'S SALARY.

[From a despatch, dated January 12, 1840, reviewing certain acts of the local Legislature.]

[EXTRACT.]—No. 44, "An Act to provide an adequate Salary to support the honor and dignity of her Majesty's Representative in this Island," fixes and increases the Governor's salary, and abolishes fees which he received as chancellor, and ordinary and other allowances formerly assigned in lieu of servants, of Pen, and of Mountain, the two latter terms having reference to country seats at one time supplied to the Governor at the expense of the island, for which amount sums of money were subsequently substituted. The allowance for servants was a substitute for the slaves formerly attached to the King's house. Besides these fees and allowances, the Governor had an annual salary, from what is termed the Council Fund, of 1500*l.* sterling. In bygone days and during war the emoluments of the Governor are said to have been very large; but latterly, the salary, fees, and allowances above noticed, together with a share of escheats, constituted the total of his remuneration, unless it was augmented by an additional grant from the island Legislature. The aggregate, independently of such a grant, was on an average rather under 5000*l.* sterling per annum. It was customary, as one of the first measures of the Assembly after the arrival of a new Governor, to vote an additional salary of 1500*l.* sterling per annum. The aggregate of the Governor's stipend with this increase was on an average, according to the accounts laid before the House of Assembly

on the present occasion, 6480*l.* sterling per annum. The additional allowance of 1500*l.* above mentioned was voted for the last time to the Marquis of Sligo; but when, during his Lordship's administration, the feelings of the House of Assembly had become embittered, a resolution was passed that no additional salary should be granted to any future Governor. This resolution was in force on the accession of Sir Lionel Smith; and whether it was from consistency, or because he was only at first Lieutenant-Governor, or because, as Commander of the Forces, he had already an addition to his civil allowances larger than that which it was customary to vote, no further salary was granted. He was subsequently, I believe, instructed to apply for the usual additional salary, and did so. It was then refused; partly, it is now said, because it was demanded as a right, and partly because he had a larger remuneration, owing to his military allowances, than any civil Governor would have, even with the usual addition. On my succeeding to the government, it was my determination not to make any attempt whatever, either directly or indirectly, to obtain the usual additional salary. This was not only in my opinion the course most suitable to the character of the office which I hold, but was the more requisite, as one of my first duties being to conciliate the House of Assembly by all proper means, it was essential to avoid anything that could possibly attach unworthy motives to the conduct that I had to pursue. The proceedings of the House, therefore, in every part of the measure now enacted, have been perfectly spontaneous. One of the members in the first instance, and soon after the commencement of the session, announced his intention of making a motion for an additional salary to the Governor, but subsequently gave way to another member, who took up the question with a more enlarged view of it, and urged the propriety of fixing an adequate salary for the Governor in one sum, and of abolishing the fees and other allowances heretofore drawn. This gentleman had the courtesy, before he brought in his bill, to consult me on the principles of it, without any reference to the amount of salary that might be

fixed, and received my complete and hearty assent to those principles. These were, that the objectionable and derogatory mode in which the Governor had been accustomed to receive his remuneration—that is, by fees and various petty allowances —should be abolished, and a fixed salary of one amount substituted; and that the salary should be fixed, not for the present Governor alone, but for all future Governors likewise, so that no future Governor should be placed on his arrival in the awkward position of depending for a portion of his salary on the humor of the House of Assembly at the time. Both of these principles have been attended to in the act, the former satisfactorily, but the latter not so perfectly as I expected, and understood to be intended. This will be explained in the sequel. Before the bill had passed the House, and while it was still in the committee to which it had been referred, the same gentleman who had previously consulted me as to its principles, took an opportunity of stating the probable amount of the salary which would be fixed, and mentioned 7000*l.*; on which I remarked that I considered it as quite sufficient, and even more than was requisite. That was in reality my opinion, for I neither expected nor desired more than had been customary. Notwithstanding this intimation, the committee recommended the larger sum of 8000*l.*, and when the proposition was discussed by the House, the only debate that took place was not from any objection to that amount, but on two motions to increase it, one of which would have made the salary 10,500*l.*, and the latter, 11,500*l.* The recommendation of the committee was finally adopted, and the amount fixed at 8000*l.*—that is, 6500*l.* in lieu of fees, various allowances, and other emoluments, in addition to the 1500*l.* received from the Council Fund. This salary is ample, without being excessive, with reference to the calls on the Governor for expenditure, if he performs that part which his station may be said to require of him. The spirit in which the measure was carried through the House could not fail to be highly gratifying, but the satisfactory character of the arrange-

ment has been impaired, and one of its principles in a great degree departed from, by limiting its duration to five years. The salary is still a salary, not for me personally, but for the Governor for the time being, and the duration of five years will, most probably, extend beyond the period of my administration; but this limitation will bring the question of the Governor's salary again before the House, and render it liable to be affected by the popular feeling of the time, whatever it may be. The explanation given to me of this limitation is, that although the salary is at present meant to be permanent for all Governors, it is, nevertheless, expedient that the Legislature should have the power of either reducing it or increasing it, after an interval, accordingly as the state of the prosperity and resources of the island at the time may suggest the one or compel the other. I was not aware of this limitation of duration given to the act until it had passed the House of Assembly. I should otherwise have prevented it, by pointing out that it might preclude my consent to the act, from its not being quite consistent with the letter of my instructions to assent to it, these directing me not to accept any additional salary unless it were granted to me and my successors, or to me for the period of my administration. When I became acquainted with the limitation as it stands in the act, there was no mode left of excluding it otherwise than by rejecting the whole act,—a measure which it did not seem to me right to adopt, as the act accords with the spirit of my instructions in granting the salary to future Governors as well as myself, and, being altogether a different measure from that contemplated by the instructions, hardly appears to come under them. Should your Lordship, however, be of opinion that the alteration is desirable, I am assured that there will be no difficulty in altering the limitation to the term of my administration. I acknowledge, however, that I prefer the present limitation to one that would make the grant more personal. The act rests at present on a better principle, although the duration is too short; and the only alterations in that respect that appear to me to be desirable are

either the lengthening of the duration, or the total abolition of the limitation. There is a clause in the act which limits the salary of a Lieutenant-Governor, or Governor exercising the military command in the island, to 6000*l.* sterling, in addition to his military allowances. I am not aware that there is any objection on principle to this clause, according to which a Governor, holding also the military command of the forces, will still have a larger salary than one exercising only the civil government. By a subsequent resolution of the House, the payment of the difference between the salary fixed and the allowances to which the Governor, under the law repealed, was before entitled, has been made retrospective from the commencement of my administration. It may be proper to remark, that if, from any cause, this act should not be renewed at the termination of its period of duration, the law which it repeals will of course revive, and the allowances of the Governors will be what they were before this act was passed.

REFORM OF THE JUDICIAL SYSTEM.

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

April 15, 1840.

My Lord,—I have the honor to submit an abstract of the act for the reform of the administration of justice which has been passed by the Legislature of this island.

Its principal provisions are, the creation of a professional Vice-Chancellor, two professional Assistant Judges, and nine professional Chairmen of Quarter Sessions, who will also be chief Judges of Common Pleas, and will form Courts of Appeal from the Petty Sessions, and from the summary jurisdiction of the magistrates.

The Vice-Chancellor is to have a salary of 2500*l.* sterling; the Assistant Judges of the Supreme Court, of 2000*l.* sterling each; and the Chairmen of Quarter Sessions, of 1000*l.* each.

The Vice-Chancellor and the Assistant Judges, I regret to say, are to be selected from the Jamaica Bar alone. I do not express this regret from any doubt of there being gentlemen at the Jamaica Bar fit, from their qualifications, as well as eligible by the terms of the act, but because the range of selection is thereby on general principles too restricted, and because this part of the act will not, I know, have your Lordship's approbation. It was strongly contested in the House of Assembly, many members seeing distinctly the propriety of throwing the selection open to the Bar of the United Kingdom as well as to that of Jamaica. There was only a majority of four in favor

of the limitation. The Council tried an amendment, throwing open the appointment of Vice-Chancellor, but that also was rejected by the same majority. The minority in the Assembly made another effort, and would, it is said, have equalled their opponents on that occasion, but it was too late. The limitation, of course, proceeds from local feelings; and there is this to be said in favor of it, that unless the selection be confined to the Jamaica Bar, there is little chance of their ever practically benefiting by the appointments created, as when nominations can be made from home they generally are made from home for obvious reasons, and the Jamaica Bar, who have no prospect of promotion at home, are thus cut off from it here also. Nevertheless, from higher considerations than the interests of the Jamaica Bar, it is clear that the range of selection ought to be more extensive. Your Lordship will perceive that the limitation includes gentlemen now at home who have at any time heretofore practised for the requisite number of years at the Bar of Jamaica. I will endeavour to procure a list of gentlemen under those circumstances, and transmit it, together with a list of those now at the Bar here, for your Lordship's consideration.

The appointment of the Chairmen of the Quarter Sessions is on a better footing. The act enables your Lordship to appoint the whole of these from England, and to select them from barristers of two years' standing at the Bar of the United Kingdom. This appears to me to be an enactment of great importance, for it is in the lower Courts, not in the higher, that distrust of motives is likely to prevail. With Courts of Appeal, consisting of men of legal knowledge and unbiassed judgment, all in our power will be done to give confidence in the administration of justice between the landowners and their laborers; and the usefulness of those Courts may perhaps be hereafter extended. I should wish, with your Lordship's concurrence, to reserve one of these nominations for a gentleman—Mr. Bernard—who is a sufferer by this act—for he will lose a judgeship—and the only man, I believe, in the island possessed of all the requisite qualifications, with the additional very essential one, that his

nomination would be palatable to all parties. There are others qualified in all other respects, and others who might have the confidence of all parties, but are not professionally qualified. The gentleman above named has the singular fortune to be eligible in every respect, and is the only one of whom I can offer that opinion. I should therefore be happy to be authorised to confer one of these appointments on him; and if your Lordship will send eight upright, unbiassed gentlemen, of legal knowledge and sound judgment, to fill the other seats under this arrangement, the Courts of Quarter Sessions and Common Pleas will be greatly improved, and the Courts of Appeal will, I trust, work well.

Whatever powers are given by this act to the Governor, are of course given to your Lordship, under whose orders the Governor acts.

It is not my intention to carry into effect any part of the act that depends on me until I receive your sanction and instructions.

The increase of the salary of the Chief Justice to 3000*l.* sterling is a proper measure, and fully merited by the long and able services rendered by Sir Joshua Rowe to the colony, in which his impartial and benevolent administration of justice has gained universal confidence and admiration.

I hope that the defect in the bill produced by the limitation of the three appointments in the higher Courts to the Jamaica Bar will not induce your Lordship to disallow the act. It is in other respects a very good act, and ought not, I think, to be thrown away. If your Lordship will confirm the act, and instruct me to endeavour to procure the amendment of any part that you may deem objectionable, my best efforts shall be exerted to accomplish your wishes.

P.S.—It occurs to me to notice to your Lordship that no barrister can be admitted to the Jamaica Bar who has not been previously called to the Bar in England.

ADVANTAGES OF CONCILIATION.

[*July* 23, 1840.]

[The following extracts from despatches to the Colonial Office are given in illustration of the conciliatory course of policy which Sir Charles Metcalfe so wisely pursued in Jamaica, and which was productive in the end of such beneficial results. He was of opinion that much harm resulted from the disposition of the Home Government to mistrust and to interfere with the local Legislature; and these despatches were written, partly, in respectful deprecation of this mistrust and interference. It was obvious that at such a time the worst consequences would ensue from a rupture with the House of Assembly.]

[EXTRACT.]—It will be seen from the remarks herein submitted, that, of the four acts which your Lordship proposes to extinguish, three form Boards by which a considerable portion of the public business of the colony is conducted with benefit, I conceive, to the State, and with so much comfort and satisfaction to myself as the Governor, that I should find it difficult to say in what manner the same duty could be more efficiently or more carefully performed; and that the fourth act is one for which apparently no substitute could be found.

Granting, however, the possibility of finding substitutes for these acts, which, being more in accordance with the practice at home, would be more agreeable to your Lordship, there remains a most cogent reason for abstaining from disallowing them, which is, that they could not be discontinued with the concurrence of the island Legislature.

The control over the finances and the expenditure to the extent provided by these acts, is held to be the right of the popular branch of the Legislature, established by practice, as many rights are in most constitutions of long standing. It would be no consolation to the island constituency for the loss of this right to hear your Lordship's explanation of its origin. They would deny that during the time of Slavery the popular branch of the Legislature was generally, if ever, the passive and obedient instrument of the Governor's will, and would appeal to facts in history to show that the House of Assembly had frequently during that period made a resolute stand against the Executive Government, and most commonly with success. They would argue that the possession of these powers by the popular branch of the constitution is an indication of former strength, and that such powers are not ordinarily conceded to weakness. The abolition of these four acts would be regarded as a revolution, and would, I apprehend, be resisted by all the means that the popular branch of the Legislature possesses. I cannot perceive any advantage that would be gained by the abolition that could compensate for the injurious consequences of a rupture with the island constituency.

If your Lordship should continue to deem it of paramount importance that the powers possessed by these Boards should be wrested from the legislative and transferred to the executive power, I would still recommend that the measure should be deferred until a sufficient number of the members of the Legislature be willing to concur in it, or until other circumstances arise to justify such an attack on the hitherto acknowledged privileges of the island constituency. It would be doubly ill-timed at present to rush into such a collision, when the colony is only recovering from the wounds inflicted by the recent contest, and when the conduct of the legislative bodies is such as to entitle them to approbation and esteem.

There are two methods of governing Jamaica: with and by the island constituency and its representatives, or against them. The first, to be successful, must be consistent. A measure of

conciliation to-day and one of irritation to-morrow, an alternation of confidence and distrust, of kindness and jealousy, will not produce cordial co-operation. There must be continued confidence, much patience and consideration, sincere respect for established rights and privileges, and credit for good intentions. Then I believe every amendment that can be desired, either in laws or in administration, for which the resources of the island are adequate, and which do not encroach on hitherto recognised popular powers, may be gradually accomplished. But I cannot conceive anything more calculated to throw back all improvement that depends on co-operation, than such an attack on the established rights of the Legislature as would be involved in the abolition of the four acts which form the subject of this report.

If I had any hope of being able to carry that measure into effect without a rupture with the House of Assembly and the island constituency, I should beseech your Lordship to let me know what you would propose to substitute for those enactments; and if your Lordship be determined to annul them, it will be most necessary that you should clearly explain what arrangements will satisfy you as substitutes; for to apprise the House of Assembly that they are to be deprived of the powers which they hold by those acts without showing to what their concurrence will be expected, might throw them at once into a state of exasperation and despair. But, believing as I at present do, that those acts cannot be annulled without a rupture with the House of Assembly and the island constituency, and not being able to perceive any advantage in the proposed measure that could compensate for so serious an evil, I venture most earnestly and anxiously to recommend to your Lordship that the arrangements provided by those acts be allowed to continue, either permanently as acknowledged parts of the Jamaica constitution, or at least until the concurrence of the colonial Legislature can be obtained for their abolition.

Notwithstanding the decided opinion that I now express of the impracticability of obtaining that concurrence, I shall not

omit to avail myself of any opportunity to endeavour to ascertain, without giving publicity to your Lordship's instructions, which would, I conceive, be injurious, whether there is any probability of acquiescence; and if I find that I have been mistaken, and that concurrence is not impossible, I shall not fail to apprise your Lordship of such a change in my expectations. I must naturally be anxious to carry your instructions on all occasions into effect, and nothing but a strong sense of duty would lead me at any time to question the expediency of the measures that you prescribe, or to refer for reconsideration a question on which you had expressed a decision.

I deprecate any peremptory measures destructive of the powers hitherto exercised by the popular branch of the island Legislature. That body, with respect to the Government, is perfectly independent. There is no way of influencing its proceedings except by that treatment which inspires confidence. It will do anything that it believes to be for the good of the island. It will do much to meet the wishes of her Majesty's Ministers. But it will turn if trodden on. If it be treated with continual distrust, and if its hitherto admitted privileges and powers be forcibly taken away, its affections will be alienated, and its cordial co-operation in such measures as her Majesty's Ministers may desire, cannot be expected. What else in that case may eventually happen, is beyond the scope of my present speculation. I should hope that, with considerate treatment, collision with the Legislature may always be avoided; but if it be sometimes inevitable, I trust that the cause of its occurrence may never be ascribable to aggression on the part of the Government.

[*July* 29, 1840.]

[EXTRACT.]—It may be noticed, as an instance of the readiness of the local magistracy to adopt any improvements suggested to them, that they have universally, on my recommendation addressed to the several custodes, established Courts of Reconciliation on the model of those existing in Norway and Barbadoes, in

which juries of the laboring population settle the disputes of their fraternity. The Governor of Barbadoes, I believe, under your Lordship's suggestion, favored me with a description of the establishment of those Courts in that island. Their introduction into Jamaica appeared to me to be very desirable; and my views were cordially and zealously met by the local authorities. Courts of Reconciliation are now in operation, and will, I hope, produce good effects. The people seem to be pleased with them; and some of the upper class have allowed their differences with their laborers and others to be adjudicated in these Courts. What the permanent result of their introduction will be when the novelty shall have ceased, is yet to be seen; but I see no reason to despair of its being beneficial.

I am happy to be able to add that the stipendiary and the local magistrates are generally co-operating cheerfully in all branches of their duties, that the differences between them are less frequent, and that the strong feeling existing generally in the island against the stipendiary magistrates has in a considerable degree subsided. I have much reason to be satisfied with their conduct, and have great pleasure in bearing testimony to their useful and meritorious services.

In the concluding remarks of your Lordship's despatch on the duty of affording protection to those classes of the Queen's subjects who constitute the great majority of the population of Jamaica, I beg leave to express my entire concurrence. No person in the world can be more sensible of the weight of that obligation than the Governor who, in addition to the calls of humanity and public duty, has the further motive that his reputation depends on the fulfilment of that purpose. The only question is how it can best be accomplished;—whether by riding roughshod over the island institutions, and knocking down right and left everything that stands in one's way, or by cordially co-operating with the island authorities,—legislative and executive, profiting by their good feelings, taking them by the hand, and leading them gently to every desired improvement, respecting their just rights as well as those of others,

and, above all, by not suspecting and distrusting them. The latter is the course which naturally presented itself to me, and if your Lordship allows me to proceed in it, I will answer for this decidedly, that the people shall be efficiently protected; and if I cannot answer for everything else, I will candidly apprise you whenever I see reason to anticipate a failure; and I confidently trust that in the mean time no harm will have happened from the experiment.

Applying the question to legislation, I would say that I know no limit to the improvement in our legislation that might be effected by gentle means. If your Lordship would send me the most perfect code of laws in the world, securing in the utmost degree the liberty and protection of the subject, I could almost engage that it should be adopted as the code of Jamaica; and I would say the same as to any amendments of our existing laws that can be suggested, provided that they come recommended purely as improvements; but if the impression be produced, however mistaken, that our well-meant, albeit imperfect, legislation is received with suspicion and distrust, examined with a censorious spirit, rejected and hurled back on us branded with the opprobrium of designed injustice and oppression; that what is deemed good and just law for the free people of England is reprobated as the reverse because it is enacted in Jamaica; that affection and care are entertained for only one class, and that all others are regarded with injurious prejudice,—then disgust must arise, which would be followed by disaffection and its consequences. The island could only in that case be governed by the main force and coercion of the mother country. The cordial co-operation of the island Legislature and constituency would be at an end. I am in this description only endeavouring to point out the opposite working and effects of different systems; and by inference, the consequences to be expected, according to the inclination which your Lordship's measures may seem to have towards the one or the other. I am sure that your Lordship's intentions are both just and generous, but much, it appears to me, depends on the way in which the most generous designs are pursued.

CONSTITUTION OF THE LOCAL GOVERNMENT.

[*February* 12, 1841.]

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

My Lord,—I have the honor to submit the thoughts that occur to me on the subject of your Lordship's despatch of the 26th November, No. 156.

I am not aware of any benefit that would be derived in the present state of Jamaica from the formation of two Councils, with different designations, in lieu of the one at present existing, which under one designation performs on different occasions different functions; and although there does not appear to me to be any objection to such a change, objections might be raised on the part of the island to what might be construed as an alteration of the constitution now established.

At present a body exists designated the Council. Without, I believe, any distinct definition of its double character, this Council acts as a legislative body in passing, amending, or rejecting the bills sent to it by the House of Assembly, and as a Privy Council on certain occasions in which its concurrence is necessary to legalise acts of the Governor, and on other occasions when the Governor may desire to seek its advice. As a Legislative Council its right to originate bills is disputed by the House of Assembly, and as a Privy Council its duties are generally few and unimportant, except on rare occasions, when weighty questions may be brought under its deliberation by

either the law or the Governor. With those exceptions, the executive authority is exercised by the Governor without reference to the Council, and an opposite practice would both retard the despatch of business and impair the power of the Governor, which is not so extensive in this colony as to need diminishing.

There is, therefore, no Council in Jamaica bearing the designation of Executive Council, although the Council, when acting as Privy Council, may be considered as acting in an executive, as distinguished from its legislative, capacity.

The Council is a post of honor which many, no doubt, would be glad to enter, but it would be in its double capacity, or in its legislative capacity, that it would be so considered. A separate Executive Council, to which the mere duties of a Privy Council were transferred, would offer little incitement to honorable ambition, and I do not know that any addition of duties could be made that would much increase the temptation.

The nomination of members of the House of Assembly to the Executive Council, if they could be induced to accept the appointment, would probably draw on them the suspicion of not being independent, and would diminish their influence in their own House. This would be a reason with leading members, who might nevertheless be well disposed towards the Government, to decline such an appointment, and if there were any desirous of it, they would most probably be such as could not render much aid to the Government in the Assembly. None possessing influence would choose to lose that and the reputation of independence by accepting an appointment which would neither confer power nor emolument, and could scarcely, under the circumstances supposed, be deemed in any high degree an honor.

I should not, therefore, expect any increase of influence to the Government from such a course; and constituted as the House of Assembly is, and possessing the powers which it has, I cannot perceive any means of influencing it at the command of the Government, except what may be derived from conci-

liation and mutual cordiality and co-operation. Much of what is desirable for the good government of the island may, I conceive, be accomplished by these means; but it is not to be expected that the Assembly will be readily induced by any means to relinquish the assumed rights and privileges, or the actual power which it has acquired during the progressive formation of the Jamaica constitution.

According to the form which this has practically assumed, the House of Assembly asserts all the rights and privileges which belong to the House of Commons in the Imperial Parliament, and much more, for it maintains the sole right of originating bills to the exclusion of the Council, and although this exclusive right is not acknowledged by the Council, the power of stopping the supplies gives such strength to the Assembly in any dispute, that the Council naturally and laudably abstains from a contest which would cause much mischief, and has long submitted on this point to the pretensions or rights asserted by the Assembly.

The House of Assembly further claims the privilege, not belonging to the House of Commons in England, of appointing Boards, consisting in one instance * of all the members of the Assembly exclusively; in another,† of the members of the Assembly and the members of the Council nominally, in which the former virtually exercise exclusive power; in another,‡ of the Assembly, the Council, and the Governor nominally, with nearly the same effect. These Boards sit permanently, notwithstanding the prorogation of the Assembly, and even in the case of a dissolution until the meeting of a new Assembly. And these Boards exercise a considerable part of the powers, and perform a large portion of the duties, which in other countries belong to the executive authority.

These peculiarities in the constitution of Jamaica, if it may be so called, have been noticed and objected to by your Lordship and by Lord Glenelg. As the Boards in question are

* The Board of Accounts. † Committee of Correspondence.
‡ The Board of Works.

nominated under acts of the Legislature, either annual or triennial, the Council and the Governor must be consenting parties, and her Majesty's Ministers a confirming party to those acts, in order to render them valid. The power, therefore, exists of disallowing them; but the exercise of this power would give extreme offence to the House of Assembly, without perhaps producing any other additional effect than that of destroying the means which exist of carrying on the government harmoniously, for the power of substitution without the concurrence of the Assembly would be wanting, and its ready co-operation under such circumstances could hardly be expected. I should not, therefore, anticipate any benefit from entering into a struggle with the House of Assembly for the abolition of these Boards equivalent to the evils which it would excite, and am of opinion that it will be wise to abstain from any attempt with that view, until there be manifest reason to suppose that the Assembly may be persuaded to co-operate.

Looking forward to changes which may already be in progress, there is a possibility, perhaps a probability, although it cannot be regarded as a certainty, of a considerable alteration in the constitution of the House of Assembly. If the number of freeholders belonging to the laboring class increase so as to affect the elections, and if they be under other influence than that of property, the Assembly may in time be composed chiefly of members of a different class from those who now represent the present constituency. If the new members be in a minority opposed to the still dominant party, they may be inclined to support measures recommended by the Government. When they become themselves the ruling party, they will probably be as tenacious of the power acquired as their predecessors in the Assembly have been, and as all bodies and individuals, whether aristocratic or democratic, generally are. The time when the government might expect to possess the greatest influence in the Assembly would probably be during its state of transition from representing the proprietary of the island to representing the mass of the people. When the proprietary, before being

actually reduced to a minority in the Assembly, see, nevertheless, that such a fate is inevitable, they may naturally become more disposed to add strength to the Government, and to reduce the power of the popular branch of the constitution within the bounds beyond which it has extended itself. The Government would then have, from the influence of circumstances over both parties, the best chance that is likely to occur of obtaining, with the assent of the Assembly, that degree of executive authority which your Lordship deems to be essential for the due administration of the Government.

For if the conjectured change in the House of Assembly should really take place, a considerable alteration might naturally arise also in the feelings of the proprietary of the country. Those who are now tenacious of their own power, and jealous of encroachment on the part of the Government, might see evil in the transfer of that power to a lower order, and might be inclined to co-operate with the Government, in order to guard against apprehended encroachment from the popular party. Under such circumstances, the Government would probably strengthen the Council by a larger infusion from the proprietary body of the island, while the latter would look to the Council as an honorable position, and as the means of retaining a portion of power. Thus the two great classes of the aristocracy and the democracy would become severally represented in the Council and the Assembly. This seems to be the natural course of affairs in the case supposed.

On the other hand, if property retain its influence, if the good feeling which appears to be growing up between the landholders and the peasantry be confirmed, or if a new class of voters be introduced to any extent by immigration, the change imagined may never take place, or not, at least, for a long time to come, and power will remain in the same hands that now hold it.

Quitting these conjectural views of the probable future, and looking only to the present, I am not able to suggest any measures that seem to me likely to alter the existing state of things,

or to increase the influence of the Government in the House of Assembly. I have already stated that I should not anticipate such a result from the creation of a separate Executive Council, and the placing therein of some leading members of the House of Assembly. I shall, nevertheless, keep in constant view your Lordship's inclination on this subject, and if I ever see reason to suppose that it can be acted on with advantage, I will not fail to submit my opinion to that effect.

I have the honor to concur entirely with your Lordship in thinking it desirable that the law-officers of the Crown should have seats in the Assembly; but this, at present, can only be accomplished by nominating as law-officers of the Crown individuals who have the local influence necessary to secure their election. That influence, even then, might be impaired by their appearing in the House as the avowed partisans of the Government; and an officer so situated would have considerable difficulty in reconciling his supposed obligation to his constituents with his duty to the Crown, or his independent character as a member of the Assembly with his other character as a servant of the Government. The constituencies being all independent of the Government, there are no certain means of procuring the return of any officer of the Crown; but I do not suppose that being an officer of the Crown would prevent his election if he had personal influence, or were supposed to be a friend to the island. I should not think it impossible that the House of Assembly might be brought to agree to the admission of some officers of the Government, avowedly representing the Government, with the privilege of speaking and delivering their opinions, and proposing, or advocating, or opposing measures, but without the power of voting so as to produce a decisive effect on results. Even this, however, might very probably be objected to as an innovation; and when I express an opinion that such an arrangement may not be impracticable, I have no better foundation for the notion than the reasonableness of the proposition that the Government

should possess the means of communicating freely with the House.

The influence which most Governments exercise in some degree over communities, constituencies, and public assemblies, by the agency of patronage, has been thrown away as to Jamaica, by the manner in which the patronage of the Crown has generally been exercised. I allude more especially to former days, when patent sinecure offices were granted to individuals in England at the expense of the colony, the duties to be performed by ill-paid deputies, the emoluments to be chiefly enjoyed by gentlemen residing in England. When such was the mode of distributing patronage in the island, it cannot be wondered at that a spirit of counteraction arose, and that local patronage has generally been kept out of the hands of the Government by the House of Assembly, and granted to its own members or to local authorities. The mode of distributing the patronage of the Crown above alluded to has for the future ceased, but the appointments which the Crown confers are still made generally at home—that is, from individuals who are strangers to Jamaica.

In order to produce the local influence which might be acquired through such means, not by corruption, but legitimately by the popularity of such a course, the patronage of the Crown ought to be bestowed within the island on individuals recommended by the Governor as the most deserving and best qualified. I do not mean to propose that the selection should be exclusively with the Governor without control, or that the Crown should not have the option of overruling his nomination—for an absolute power vested in the Governor might be abused—but that the appointments should be made by the Ministers of the Crown after receiving the recommendations of the Governor, and should be conferred on inhabitants of Jamaica, whether natives or those who have settled here, except when there may be paramount public reasons for a different choice. This system might tend to create influence to

the Government in the island, while the necessity of placing the grounds of his recommendation on record would increase the carefulness of the Governor in his selections, and promote the employment of the most efficient individuals of the community.

Another cause, perhaps, of the want of influence of the Government over the local Legislature is the absence of nearly all of the wealthy proprietors of the island. Had they been resident they might have formed a sort of aristocracy more ready to support the Government than those who *locally* fill their places as their agents, and are more dependent on the constituencies which they represent. As, however, there were resident proprietors who acted with the House of Assembly in its violent career during the recent struggle with the Government, it is not certain, although it seems not improbable, that a larger number of wealthy proprietors resident in the island would give greater strength to the Government.

That struggle tended, at least for a time, still more to widen the disconnexion between the Government on the one hand, and the Assembly and their constituents on the other.

Whatever may have been the causes, the result is that the Assembly is an independent body, acknowledging little influence other than that of the constituency which it represents—in other words, the supposed interests of Jamaica. Whatever measures are calculated to promote the interests of the constituency, without being manifestly unjust towards others, will naturally be carried. Whatever measures are abstractedly good without injuriously affecting those interests, are likely to be carried; but whatever measures may be decidedly injurious to the interests represented, or may threaten to curtail the powers and privileges of the Assembly or the local authorities, will most probably be resisted; and I do not perceive any other means in the present materials of society of exercising any influence over the Assembly than what may be derived from a good understanding, founded on careful and conciliatory conduct on the part of the Government, and on the good sense and

good feeling that may prevail in the House. Any attempt to form a Government party, as distinct from the island party, would at present fail, and would not, I conceive, at any time be desirable. There are now no parties in the House. There are individual members more ready than others to advocate liberal measures, but they do not form a distinct party; and there are questions on which the whole House would probably be united as one man against any encroachment on the part of the Government. The wisest course, under such circumstances, appears to me to be to regard the Government, the Council, and the Assembly as forming one party, and to lead all as much as possible to good measures. The executive administration cannot be so efficiently conducted as it might be with fuller powers in the hands of the Government, but until these can be obtained with the concurrence of the Legislature, I should think it more advisable to make the best of things as they are, than to cause them to be worse by endeavours at alterations which could only be accomplished by the forcible subversion of the existing constitution, and the probable destruction of harmony and affection.

PRISON DISCIPLINE.

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

April 10, 1841.

My Lord,—I have the honor to submit the Reports of Inspectors of Prisons for 1840.

These reports scarcely indicate any improvement in the prisons of this island since 1839. In some instances explanations have been called for from local authorities, which are also forwarded; and I have added copies of instructions and other communications issued as occasions required.

To place all the parochial prisons in Jamaica in a state that would provide for the most limited separation of their inmates in classes, would require an expenditure hardly less than two hundred thousand pounds. Ten thousand pounds per annum has been devoted by the Legislature to this purpose, and it may therefore be hoped that it will gradually be accomplished. In the mean time, it lessens the mischief attending the want of classification, that the inmates of the parochial prisons are generally few in number, and for short periods; all who are under sentence for more than two months being removed to prisons better adapted for classification.

It is my intention to endeavour to introduce the separate system into the Penitentiary whenever it may be completed, which, however, will also be a work of time; and the very commencement has been delayed, first by the difficulty of

bringing together the appointed committee from their several avocations, and, subsequently, by the dangerous illness of the island engineer, on whose expected report further proceedings depend.

Until the erection of the Penitentiary, I propose to use the Kingston prison as the general prison for male convicts sentenced to more than two months' imprisonment, as it has greater accommodation, and admits more of separation and classification, for which I am indebted to the exertions of the mayor, than any other prison in the island. It nevertheless has many defects, which I must try to get remedied as well as I can; and I intend, as far as possible, to introduce into this prison the rules and habits that will be eventually established in the Penitentiary. But our progress in amendment will probably be slow.

I have assigned two separate prisons in different parts of the island for female convicts sentenced to more than two months' imprisonment, which has enabled me to separate that class of prisoners effectually from the males.

The three county gaols are appropriated exclusively to debtors and prisoners committed for trial; excepting that of Cornwall, at Montego Bay, where there is no other prison for male misdemeanants under short sentences, the former house of correction having been converted into a prison exclusively for females.

The greatest difficulty that I have met with in attempting the separation of prisoners has been in the necessity which exists for accommodating six classes of prisoners in every parochial prison—namely, debtors male and female, untried male and female, misdemeanants under short sentences male and female, without any means generally of preventing intercourse during the day. It is not possible to surmount this without a large pecuniary outlay beyond what can be obtained otherwise than gradually from the island resources.

I was for a considerable time in correspondence with the parochial authorities on this subject, and plans of new prisons, or of alterations of those existing, for the purpose of meeting

my views, were sent in from several parishes with apparent desire to carry them into effect; but the care of the prisons was transferred during the last session of the Legislature from the parishes to the island, and the question of alterations and new buildings is now under agitation with the Board of Works, which has not funds at its command to do more than a very small part of what is required.

I have, according to your Lordship's desire, prohibited the employment of prisoners out of their prisons, whenever means can be found for providing work within the walls.

My attention has been incessantly given to the object of effecting improvements in every part of prison arrangements. I cannot say that I am satisfied with the degree of amendment that has been effected. There is a division of authority which retards and practically impedes advancement. Something depends on the Board of Accounts, something on the Board of Works, something on local authorities. I have no reason to complain hitherto of intentional want of co-operation; but authority that is divided cannot be wielded with the same celerity and effect as that which is united in the same hands.

I have called to my aid in this department, as Inspector of Prisons under the act of the last session, Mr. Daughbrey, one of the most zealous, able, and discreet of the stipendiary magistrates, and I expect to derive great benefit from his assistance.

HEALTH OF THE TROOPS.

[The four following brief despatches are inserted in illustration of Sir Charles Metcalfe's constant anxiety for the welfare of the troops under his command. He saw that they were being sacrificed to ignorance, negligence, and false economy; and he exerted himself, not without success, to establish a new order of things, by locating on the healthy high grounds of the island the European regiments which perished miserably on the plains. It was characteristic of Metcalfe that he made the first movement on his own responsibility, and offered himself to bear the expense.]

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

January 8, 1841.

My Lord,—With reference to my despatch No. 152, I have the honor to report that, in consequence of a communication from the Major-General commanding the forces in this island, I have sanctioned a provisional arrangement for the posting experimentally of one hundred men of the European troops at Newcastle, pending your Lordship's decision with regard to the proposal made for purchasing ground and erecting a permanent barrack at that station.

The arrangement which I have sanctioned is, 1st. The renting of two hundred acres at Newcastle, for one hundred and sixty pounds per annum, for a term of years, with the option to the Government of annulling the agreement and purchasing the property for three thousand pounds when so disposed; 2nd. The erection of a temporary barrack for one hundred men, with

due regard to economy and to the prospective use of the buildings under a more permanent arrangement, should the latter be authorised.

Having sanctioned this temporary arrangement on my own responsibility, I shall be prepared to regard the expense as chargeable to me personally, if the arrangement should not have your Lordship's approbation. I have considered the health of the troops as too important to allow me to hesitate in incurring this risk.

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

June 17, 1841.

My Lord,—The mortality among the European troops stationed in the low lands, on the south side of this island, has been dreadful during the latter part of the last, and the first portion of the present, year. It has now, I trust, subsided.

All the stations alluded to have been visited by that pestilence, the yellow fever. Port Royal, which continued healthy for some time after the other stations had suffered, latterly became the most afflicted of all. New comers have been the greatest sufferers. The artillery, recently arrived, have lost numbers of non-commissioned officers and privates; and of the officers who came out with them, and did not return with the detachment relieved, all have perished; while those who were here before and remained with the relieving companies, although attacked, have generally survived.

The cause of so much fatal sickness has probably been a very unusual season, unexampled drought having prevailed for a protracted period. This calamity has also ceased, a great quantity of rain having recently fallen, but not before ruinous injury had been inflicted on some parishes.

The troops stationed at Brown Town, in the high lands, have been healthy. Among the black troops stationed in the low

lands the mortality has, I understand, been confined to the European officers. Everything tends to show that all the European troops in this island ought to be stationed in the high lands, and the charge of the low lands be left to black troops, to whom the climate of the low lands is congenial. It would be even desirable, I think, that the number of artillerymen whom it might be necessary to retain at Port Royal should be black, and that the fine body of Europeans belonging to the Royal Artillery should be posted in the mountains and saved from the pestilence of the low lands.

Of the officers who have perished during this awful visitation, Colonel Marshall, of her Majesty's 82nd Regiment, and Captain Slade, of the Royal Artillery, have each left a widow and several children without adequate provision for their support. I know not whether the regulations of her Majesty's service admit of extraordinary bounties on such occasions, but I consider it to be my duty to bring the cases to your Lordship's notice as well worthy of consideration.

Colonel Marshall raised himself to rank and honors entirely by his own merits. He served his country actively and without intermission as an officer for forty-one years—was engaged in the war in Spain, France, Canada, and elsewhere—and was several times severely wounded in the field. He leaves a widow and four children, two boys and two girls.

Captain Slade, of the Artillery, served in the Peninsula and North America, and has left a widow and three children. His means did not enable him to bring them with him to Jamaica, and during his short residence here he imposed many privations on himself on their account.

A number of orphans, the children of non-commissioned officers and privates, have been left totally desolate, their parents having been victims to the raging fever.

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

June 29, 1841.

My Lord,—The following are some of the distressing details of the recent mortality among the European troops stationed in the southern part of Jamaica, owing, in my opinion, entirely to their being quartered in the low lands, or in positions not sufficiently elevated to be above the reach of yellow fever, the pestilence of this island.

Within the last eight months, the 82nd Regiment has lost by malignant yellow fever five officers, nine sergeants, one hundred and forty rank and file, thirteen women, and twenty-two children, the number of deaths increasing with each successive week, up to the middle of the past month; and the epidemic visiting with almost equal virulence every station occupied by the regiment, or to which it was removed for the chance of relief. It has, by deaths and discharges consequent on wasting sickness, lost one-third of the number brought into the island little more than fifteen months ago; and one-fourth of the regiment has been carried off by fever. Of a draft of one hundred men which landed in the middle of January, one-third died within four months, and two companies of artillery, which landed in February, have shared the same fate. A battalion of the 60th, landed recently, and since the pestilence was supposed to have subsided, has, nevertheless, had nine deaths by fever in one week.

TO THE RIGHT HONORABLE LORD JOHN RUSSELL.

August 18, 1841.

My Lord,—I grieve to report that the mortality in her Majesty's 60th Regiment has continued unabated. That regiment has lost by death from fever, in two months, one hundred and thirty-eight in number, including eight women and six children, amounting to one-third of the strength stationed in

the low country. Every station where there was accommodation has been tried, and all have proved deadly. The deaths at Stoney-hill alone, out of a garrison of eighty, were sixteen in last week.

I lament to add that Lieutenant-Colonel the Honorable A. F. Ellis, the commander of the regiment, son of Lord Seaford, has been a victim to the pestilence, beyond the number above mentioned. He exerted himself to the utmost degree in care and kindness to all under his command, and remained in the low lands until arrangements could be made for the removal of the whole of the regiment to the hills. He went up a few days ago, but was carried off the day before yesterday by the pestilential yellow fever caught in the low lands. He is mourned for with heartfelt affliction by the officers and men of the regiment, towards whom his kindness was that of a father; and is deeply regretted by all who knew him.

A party of one hundred men has been stationed at Newcastle in the hills, of whom one has died, and two of a party of thirty stationed for some time at another property. All these deaths were in consequence of disease imbibed in the low lands, and took place immediately after arrival in the hills, as in the case of Colonel Ellis; and now that many have gone from the low lands with the disease in them, further deaths must be expected in the hills, although the yellow fever never originates in the high lands.

The Major-General commanding the forces has been for some time engaged in arrangements for the removal of the whole of what remains of the regiment to Newcastle and its vicinity. They will be temporarily accommodated on neighbouring properties, and afterwards in cottages erected for them, or in tents. No expense will be incurred in erecting barracks beyond what has already been undertaken under the authority received from her Majesty's Government. Nevertheless, the temporary arrangements necessary will cause some additional expense, which will, I trust, be sanctioned. I entirely concur in Sir William Gomm's measures. I conceive the removal of

the regiment from the low lands to be absolutely necessary for the safety of the survivors; and I earnestly hope that her Majesty's Government will sanction the erection of barracks at Newcastle for the whole regiment stationed on this side of the island, and for the European Artillery also, either there or in some part of the hills, in order that the troops may never again be exposed to such dreadful mortality as has been experienced during the last year by the artillery at Port Royal, and the 82nd and 60th Regiments in the several stations of Up Park Camps, Fort Augusta, Port Royal, and Stoney Hill.

To enable the European Artillery to be posted in the hills, I would strongly recommend, what I have already on a former occasion suggested, that a small party of African Artillery should be formed for the daily routine duties of Port Royal, which might be done either by entertaining African recruits for the purpose, or by training a detachment of one of the West India regiments to the gun practice.

RESIGNATION OF THE GOVERNMENT OF JAMAICA.

TO THE RIGHT HONORABLE LORD STANLEY.

November 1, 1841.

My Lord,—In a recent communication I intimated that I should take the earliest opportunity of submitting to your Lordship the grounds on which I considered myself to be justified in soliciting permission to retire from the government of Jamaica, and return to England at a period not far distant.

When the offer of the Governorship of this island and its dependencies was conveyed to me, my only inducement in accepting it was the hope of rendering some service to my country by becoming instrumental in the reconciliation of the colony with the mother country.

That object was accomplished, soon after my arrival, by the good sense and good feeling of the colonists, who readily and cordially met the conciliatory disposition which it was my duty to evince towards them.

The next subject that most attracted my attention was the unsatisfactory feeling of the laboring population towards their employers. This has naturally subsided into a state more consistent with the relations of the parties, and there is no longer any ground of anxiety on that account.

Other dissensions in the community, which grew out of preceding circumstances, have, either entirely or in a great degree, ceased, and order and harmony, with exceptions which will occasionally occur in every state of society, may be said to prevail.

The reform of the judicial establishment was considered by her Majesty's Government as an object of essential importance, and was likewise desired by the local Legislature. That measure has been carried into operation, with every assurance of success, at a considerable cost to the island.

The improvement of the prisons was another object much desired by her Majesty's Government. The local Legislature has co-operated zealously and liberally towards it. Means have been provided for its attainment to the utmost extent at present practicable. The reform of all the prisons is a work of too great expense to be performed at once, but it is in progress, and the realisation of all that is desirable in the details of this interesting question is in a course of gradual accomplishment.

Many laws have been passed with a view to meet the change that has occurred in the social relations of the inhabitants of the colony, and to approximate the statutes of this country to those of England. Although the business of legislation must ever be one of incessant advancement, I am not aware of any peculiar matter, immediately pressing, that requires to be undertaken.

Of agricultural prosperity I cannot speak with any certainty, because it depends on prices at home, and on circumstances which are not under local control; but the prospect as to the crop now on the ground, and the expected produce of the great staples for exportation, is more promising than that of any season for many years past. New sources of wealth, in the production of silk and cotton and the extraction of copper, have been called into action, but have not reached a state of certainty, and cannot, therefore, be regarded as securely established. The articles which yield most profit will naturally be those most cultivated; which is the reason, combined with the scantiness of population, why the exports of Jamaica are so few. Commercial interests have suffered, partly from over-trading on excessive credits suddenly withdrawn, and partly from the disturbed state of affairs in the South American State of New Granada; but it is supposed that the worst has passed, and that trade is likely to revive.

These are matters which the Executive Government can hardly influence.

With respect to the laboring population, formerly slaves, but now perfectly free, and more independent than the same class in other free countries, I venture to say, that in no country in the world can the laboring population be more abundantly provided with the necessaries and comforts of life, more at their ease, or more secure from oppression, than in Jamaica; and I may add, that ministers of the Gospel for their religious instruction, and schools for the education of their children, are established in all parts of the island, with a tendency to constant increase, although the present reduction of the Mico schools is a temporary drawback.

Under all these circumstances, as the peculiar state of Jamaica at the time was my only inducement for coming here, and as I have never wished to remain longer than might seem to be necessary for the accomplishment of the important objects which presented themselves, I trust that the expression of my wish to be relieved will not be deemed inconsistent with the sense of duty that brought me to this post.

It is far from my intention to represent that there is not ample and noble employment left for my successors. There is a great field for continual improvement. The country has vast resources yet undeveloped. A larger population of Africans for labor in the low lands is requisite; and the establishment of a population of Europeans in the high lands is highly desirable. Capital, which in despair of adequate profit has been withdrawn, will require increasing enterprise and success to tempt it to resort hither. To secure and maintain the affection of the colony towards the mother country; to promote the welfare and prosperity of the island, and the happiness of its inhabitants, will form a task of high interest and importance, the progress of which cannot fail to be attended with heartfelt gratification; but its perfect fulfilment can only be the work of time.

Hoping that my retirement will have your Lordship's sanc-

tion, I take the liberty of adding, that I should be glad to be relieved about the middle of April, as the voyage across the Atlantic is likely to be favorable at that season, and my arrival in England would probably take place at a time of the year better suited than the winter months to those who come from a tropical climate. Should there be any obstacle to the arrival of my successor at that period, and your Lordship would permit me to make over the government at such time as I might find most convenient to the Lieutenant-Governor, you may be assured, from Sir William Gomm's character, ability, judgment, and local knowledge, that no detriment to the public service could arise from that arrangement. In proposing with so much freedom these particular details for my personal convenience, I rely on your Lordship's indulgence, and beg leave, at the same time, to assure you that I shall cheerfully conform, as in duty bound, to any other that you may deem more expedient for the public service.

Anticipating your Lordship's assent to the main purpose of this communication, I beg permission to request that you will, at such time as you may judge to be proper, lay at the foot of the throne my humble and dutiful resignation of the office with which her Majesty was graciously pleased to honor me in the administration of this government.

ANSWERS TO JAMAICA ADDRESSES.

[It must be borne in mind that these Answers to Addresses are but a very few selected from a large number. A complete collection of the different addresses presented to Sir Charles Metcalfe in India, Jamaica, and Canada, with their answers, would occupy as large a volume as the present one; but it was considered expedient to give in this place a few characteristic specimens of the replies.]

To the Magistrates, Freeholders, and other Inhabitants of the Parish of St. Catherine.

I wish, gentlemen, that it were in my power to express how deeply I feel the kindness which you have manifested, not on the present occasion alone, but throughout the period of my residence among you, to an unbounded extent, and in every possible way. Words, however, would convey a feeble notion of the thankfulness with which I shall ever dwell on the recollection of the friendly conduct that I have experienced in every part of this island.

I shall part from you with great regret. The only cause for my retirement is that craving for home which seems to be implanted in the hearts of all, and which nothing but necessity, or a strong sense of duty, can overcome. Having persuaded myself that I may return to England without any dereliction of duty, I have yielded to the desire which I cannot eradicate, and hope to pass the remainder of my days in that country, from which I have been separated by occupation in the public service for more than forty years. If I could have regarded any land but England as my home, I know not where I could have been more happy than in Jamaica, in the discharge of duties rendered easy by general support and co-operation, in cordial intercourse with warm and generous hearts, enjoying,

in your beautiful mountains a delightful climate not to be surpassed in healthfulness, mildness, and equability by any in the world, and contemplating the interesting progress of a happy population, who, in full possession of liberty, independence, and comfort, are efficiently protected in all the rights of freedom by the impartial administration of equitable laws.

I appreciate, as the highest honor that a man can receive, the esteem of those who are competent to judge his conduct; and although I am sensible that in my case your praise must be ascribed to your kindness, I shall not the less cherish with pride, as long as I live, the remembrance of your affectionate address.

Accept, gentlemen, my heartfelt wishes for your welfare and happiness; and my anxious hope that Jamaica may soon add the return of wealth and prosperity to the other blessings which she now enjoys.

To the Magistrates, Vestrymen, and other Inhabitants of the Parish of St. Ann.

The regret, gentlemen, which you express at my approaching retirement from the government, and the assurances of esteem and affection which accompany it, are exceedingly gratifying to me, and confer a high honor, the recollection of which I shall ever cherish with pride and thankfulness.

I came to this island led by the hope of being instrumental in the reconciliation of one of her most valuable colonies with the mother country. That object was accomplished soon after my arrival by the wisdom of the Legislature and the good feeling of the community.

There nevertheless remained other causes of anxiety. There were internal dissensions and party feelings, which engendered strife and obstructed harmony. The relations also between the landholders and the laboring classes were in an unsatisfactory state. Those difficulties have been removed, and it is not too much to say, as all seem to believe, that in those respects affairs are much ameliorated.

The part that I have performed in this improvement has been to endeavour to do equal justice to all parties, and to discourage whatever had a tendency to impede the restoration of fellow feeling and brotherly love; but the change is mainly owing to the wisdom of the Legislature, and the good sense of the island.

While, therefore, the praise bestowed on me in this hour of parting, when all connexion between us, except that of our hearts, is about to be severed, cannot be otherwise than most pleasing, it produces the additional feeling of gratitude for that warm and generous kindness which has taken the will for the deed, and appreciates my humble services at a price far beyond their intrinsic merits.

I shall often be reminded, gentlemen, of your parish of St. Ann, in moving about England; for it is the only part of this island that has put me much in mind of the scenery of the mother country. That the most beautiful part of an island, which does not yield in beauty to any perhaps in the whole world, should resemble English scenery, is a high honor, I conceive, to the latter; and, on the other hand, there are few things in which a resemblance to England would be a cause of regret. But there are two. You may congratulate yourselves on having your delightful climate free from the too frequent chilliness and perpetual uncertainty of that of England. You may also be proud of the great comfort enjoyed by your laboring population, instead of the distress which falls so heavily on the same class in the mother country.

God grant that these advantages may always conduce to your health and happiness.

I have further to congratulate you on the successful introduction into your parish of the culture of silk, from which there is reason to hope an article will be produced that may rival and surpass the silk of Italy, and be a new source of wealth to this country.

Accept, gentlemen, my heartfelt thanks for all your goodness, and my wishes that every blessing may attend you.

To the Inhabitants of the Parish of St. Thomas in the East.

I am most sensible, gentlemen, of the generous kindness which has dictated your affectionate address.

Whether I have, in any degree, merited your praises, or whether they are solely to be ascribed to your friendly partiality, I cannot be otherwise than highly gratified and delighted by such a manifestation of warm feeling. I must ever regard, as the happiest event of my life, that I came to Jamaica. One minute before I accepted the totally unexpected offer of the government of this island and its dependencies, if the idea of my going to the West Indies had suggested itself to any of my friends, I should have laughed at it as something so utterly improbable as to be next to an impossibility. The offer reached me when I was living in retirement, with no other plan before me but that of making my retirement more complete. I had no desire for official employment of any kind. I had no pretensions to any claim on the Ministry. I had no connexion with any party in the State. I had no local influence that could place me in Parliament, the only sphere of public duty for which I had any inclination. No individual could have been found more totally unconnected with public men and public life than I was at that time—none more studiously retired from general society and intercourse with the gay or busy world. I had returned from India scarcely a year before, after thirty-eight years' uninterrupted absence from home in the service of my country, with the intention and hope of passing the remainder of my days in England. Excepting as to my own family and friends, and near neighbours in the country, I was, in fact, a recluse. It is due to her Majesty's Ministers of that time, and especially to the Secretary of State for the Colonies, one of your former Governors, the Marquis of Normanby, who made the offer to me, and whom I had never seen, to remark, that whether their selection was good or bad, their sole motive must have been the advancement of the public service.

When I received this offer, a moment's consideration satisfied me that my duty to my country required that I should accept it. Had Jamaica been in a perfectly satisfactory and happy state, I should have declined the honor, having, as I have said, no wish for official employment; but under the circumstances which then existed, there was something of importance to be done, and I considered myself, by the offer made, as called on to do it. I did not, therefore, hesitate. I undertook the trust, encouraged by the hope of success, human nature being the same in all parts of the world. I thought that you were wrong, but I also thought it probable that you might be induced to put yourselves right, and that the mother country and the colony might be reconciled. I conceived that, coming among you as a stranger who had never been engaged in any strife regarding the colonies, I should derive some facilities from that circumstance. After my arrival, I was at first rather appalled by the violence of party spirit which seemed to prevail. But the first proceedings of the House of Assembly assured me that all would in time be well. My task since has been an easy one. The good sense of the colony has done all. The plain and obvious course that I have pursued has been animated by general support and co-operation. Had the advantages which have been gained been accomplished by any injustice or injury to the population recently emancipated from a state of slavery, my feelings, in retiring from the government, and your own too, I am sure, would have been widely different from what they are now, and the reverse of gratifying. But, whatever may be the state of the island with regard to the prosperity of the higher classes—whatever may be the depression of the present time, and the fears for the future, considering the interests of proprietors of land, and merchants, and traders, and the general body of the medical faculty, all of which classes are now suffering, no one can deny that the lower orders, especially the great mass of the emancipated laborers, enjoy a greater degree of prosperity, independence, and comfort, in every respect, than falls to the lot of the laboring class in any other

country that we know of. So that I shall depart, assured that their interests are effectually provided for. The chief apprehension and anxiety remaining are produced by the uncertainty which seems to attend the continuation of the profitable cultivation of your staple products, on which the interests of commerce, as well as agriculture, greatly depend. God grant that all fears on that ground may be speedily removed, and that your favored parish, which can justly boast of containing the garden of Jamaica, may always continue to be one of the most prosperous in the island.

Accept, gentlemen, my grateful thanks for the honor that you have conferred on me. It will be among the most pleasing recollections that will cheer my future life. In saying farewell, it is the uppermost wish of my heart that every blessing may attend you.

To the Members of the Jamaica Missionary Presbytery in the Parish of St. Mary, in conjunction with their respective Congregations.

I thank you, gentlemen, most cordially, for the goodness which has induced you to come from the parish of St. Mary on this deputation, to do me honor by the presentation of your affectionate address.

Your praises, although I am conscious that they far exceed my humble deserts, are sweet and soothing, as the offspring of kind hearts that are disposed to put a high appreciation on good intentions.

For your prayers I shall ever be grateful. The prayers of the pious are heard at the Throne of Mercy, and plead for the sinner, in whose behalf they ascend.

I have observed with great satisfaction, during my residence in Jamaica, the readiness of the mass of the people to embrace the benefits of education, their eagerness for religious instruction, and their general attendance at the worship of the Al-

mighty. For these conspicuous virtues in their character, which are blessings to themselves and the whole community, we are indebted, in the greatest degree, to the ministers of religion, who have devoted themselves to the interest of their flocks. While the imperial and local Legislatures concurred in the righteous measure of releasing the people from bondage, the ministers of the Gospel were strenuously employed in emancipating their minds from the chains of ignorance, and their souls from the powers of darkness. Thence arose a connexion between the pastors and their congregations, the most interesting and delightful that can be conceived. The former, imitating the Divine Shepherd of the whole Christian flock, brought the wandering sheep into His fold. Their followers, sensible of the benefits conferred, looked up to their benefactors with reverence and attachment. These ties were cemented by taking a powerful interest in all their affairs—by aid in the hour of distress—by the balm of consolation poured on the bed of sickness—by condolence and sympathy with the afflicted—and by administering the means of grace and the hope of glory. Thus many of the ministers of religion in this island have acquired a hold on the hearts of their congregation not surpassed in any part of the world. It is a power gained by devotion to their sacred duties. May it be always exercised for the general good, and for the spread of that neighbourly love and Christian charity which we have the highest authority for believing is, next to the love of God, the best of human virtues.

Such, reverend gentlemen, I am persuaded, is your conduct towards your flocks—such the attachment of your congregations towards you—such the exercise of your influence over them. May the Father of All bless and sanctify the holy union, and grant you, here and hereafter, the fruits beyond price of the faithful discharge of duty to God and man.

To the President, Vice-President, and Members of the St. George's Agricultural and Immigration Society.

I thank you, gentlemen, cordially, for the kind sentiments

which you entertain towards me. I shall ever remember with pleasure my connexion with your society, the formation of which was calculated to render, and is, I trust, rendering, and will continue to render, great benefit.

I sympathise in the feelings which you express, arising from the want of certain and continuous labor. It is manifest that in many parts of the island this disheartening evil weighs heavily on the agricultural proprietor, and the more so, because the only perceptible remedy may be slow in coming, and cannot be thoroughly realised with the requisite speed. European immigration has been tried, and, as a general or immediate relief, has proved a failure. The mode has not been discovered without sacrifices on the part of their employers, which few can afford to encounter, of reconciling Europeans generally to a residence in those parts of the island best suited to the European constitution. They become dissatisfied, and flock to the towns in the low lands, where many die. I hope that the day may come when they may be located in numerous villages in proper positions in the interior, where, I am sure, they would add much to their own comfort and happiness, and to the welfare and prosperity of Jamaica; but it is difficult to anticipate whence the means will be derived for a plan which will necessarily, in the first instance, be expensive.

Endeavours have been made to procure laborers from Sierra Leone, the Bahama Islands, and the continent of America, with partial and hitherto inadequate success; but I trust that the object will be persevered in, and ultimately accomplished. There is abundance of space in Jamaica for any number of new laborers that can be obtained within the bounds of probability, without the slightest injury to those who at present compose the laboring class in this island. A great increase is obviously necessary to supply the places of those who withdraw, and to procure a sufficient number, bound by their wants or their habits, to labor continuously for their employers; without which it is impossible that the latter can cultivate their estates on the present system without frequent disappointments, and consequent

heavy losses. It is most true that, owing to this general want, the resources of Jamaica cannot at present be developed. The same want is happily not universal, for there are some localities in which all the labor required is said to be sufficiently supplied, and such would be everywhere the natural effect of an abundant population.

As this is not likely to be produced by any contrivance, otherwise than gradually, it behoves the possessors of land to consider whether any means can be devised that may enable them to dispense with any portion of the labor at present requisite, and thus to render the existing supply practically more sufficient. The general use of the plough, and the increased employment of machinery, offer some resources in this respect. Another mode of proceeding, which has been suggested and elsewhere put in practice with declared success, is to alter the connexion with the laborer, and convert him into a tenant, or at least give him an interest in the produce, by making him the producer and a sharer in the profit. The manifest effects of such an arrangement would be to reduce the great outlay of money wages, which is now a continual burden on the landowner, to cause the produce to be reared at the cost and trouble of the tenant or cultivator, to receive, free of expense in advance, a due portion, as belonging to the owner of the soil, and to entice a greater degree of active and zealous labor on the part of the cultivator, he sharing the advantage of it. Whether in other respects, or on the whole, this plan would be beneficial to the proprietor, and preferable to the present system of labor and money wages, it is for him to consider and determine, as he must be the best judge in what regards his own interests.

The only fear that I see reason to entertain in quitting Jamaica, is with regard to the difficulty of cultivating the land with adequate profit; and I shall look anxiously to the result. God grant that it may be such as will benefit all parties; for the laborer, as well as the proprietor, is interested in the successful cultivation of the land, and the prosperity of its owners.

Canada.

STATE OF PARTIES.

TO THE RIGHT HONORABLE LORD STANLEY.

April 25, 1843.

My Lord,—In my confidential despatch No. 1,* I alluded to the State of Parties in this country as the subject on which I should next address you.

The violence of party spirit forces itself on one's notice immediately on arrival in the colony, and threatens to be the source of difficulties which are likely to impede the successful administration of the Government for the welfare and happiness of the country.

The parties into which the community is divided are the French-Canadian party, the Reform party, and the Conservative party. I use the names by which the parties designate themselves. The Reform party are by their opponents branded as Republicans and Rebels, and the Conservatives by theirs as Tories and Orangemen.

* The despatch here referred to relates to the system of Government as established in Canada; but as a later despatch, under date August 5, contains a more mature and comprehensive view of the same subject, I have given it in preference to the earlier one, after the present paper, in due chronological order.

The French party is the strongest, from being thoroughly united and acting together almost as one man. Unless any question were to arise which would unite the discordant English parties in a common feeling, the French party, from its compactness, could influence the votes of the Assembly more than any other. This party is much gratified by its recent accession to power; by the appointment of two of its leading members to the Executive Council and to responsible offices, together with the appointment of others on the recommendation of their leader; and by the natural consequences, in patronage and otherwise, of such an arrangement. This change has created a strong feeling of gratitude throughout Lower Canada towards Sir Charles Bagot. It is much to be regretted that no means could be devised for introducing this party into power at an earlier period. Their exclusion was injustice, and would have been a perpetual cause of disaffection. Their admission, although the manner of it, and some of the circumstances attending it, may be regretted, has apparently produced very beneficial effects. Lower Canada is tranquil, and does not present any apparent ground of apprehension; and as I consider it to be my duty to regard French and English alike, to acknowledge no difference between them, and to treat all as loyal subjects, entitled to equal protection and equal rights and privileges, I think that I can answer for their having no cause for reasonable dissatisfaction; although I cannot answer for the consequences of unreasonable expectations, if such exist. The views of this party are directed to the maintenance and extension of their own power as a French-Canadian party, and to the interests of their fellow-countrymen of French extraction. They may act with other parties on the principle of reciprocity, support for support, but their own views are purely French-Canadian, including in their objects the preservation of their own laws and language. They strongly resent every attempt that has been made to anglify them.

The Reform party designates that portion of the English community in Upper Canada which was opposed to the Go-

vernment before the rebellion. It includes in its ranks some who actually went into rebellion, some who stood aloof on that occasion without taking any active part in defence of the Government, and some who, although acting with the Reform party before the rebellion, performed their duty as loyal subjects when that occasion arose. The two latter classes are represented in the Executive Council by individuals who respectively pursued the courses described; and it is an accusation against the Council that they have appointed to office men who were actually engaged in rebellion. The Reform party, therefore, includes those who were formerly dissatisfied with the Government of Upper Canada, those who at that time were supposed to desire separation from the mother country, those of the community who have the greatest inclination for democratic institutions, and consequently, as would at present appear, the largest portion of the electoral constituencies, or that class which considers itself to be most interested in possessing institutions of that description, which the example and near neighbourhood of the United American States have rendered familiar to men's minds in this country. It is this feeling, I conceive, which gives to the Reform party their majority in the Representative Assembly, presuming that they have, as they say, a majority over the Conservatives independent of the French party. This, however, is disputed by the Conservatives; and as popular feelings and elections are liable to change, I do not mean at present to speak positively on that point. In attempting to describe the composition of the Reform party, I have no intention to convey any doubt of their present loyalty. They seem to be perfectly satisfied with the existing order of things.

The Conservative party in Upper Canada embraces the greater portion of what may be relatively termed the aristocracy of the country—that is, the men of wealth and education, and by birth and connexion of the class of gentry, together with a considerable number of the middle and lower orders. It includes those who formerly were considered as exercising great influence in the Government under the reproachful title

of the Family Compact, and whose exclusive appropriation of power, place, and profit, is often alleged as an excuse for those who went into rebellion, and sought to separate Canada from the mother country. The Conservative party includes those to whom the country is deeply indebted for putting down that rebellion in Upper Canada. It includes the Orange Societies, whose proceedings are mischievous; and the Constitutional Association, the effect of whose institution is not yet developed. In Lower Canada the Conservative party consists of those who would formerly have been termed the English party, in contradistinction to the French, and consequently includes those who were loyal and true to the mother country when the French-Canadians were in rebellion, or disaffected. It therefore embraces in both Canadas those who were formerly most conspicuous in their devotion to connexion with the British Empire and loyal subjection to the Crown.

The French and Reform parties having coalesced, have obtained a decided majority in the Representative Assembly and the Executive Council. The parties therefore which contain all those who were formerly disaffected have acquired the ascendancy, to the exclusion of those who proved themselves to be well affected. The dissatisfaction felt by the former on account of their exclusion is now transferred to the latter on the same ground; and those who now hint at the probability of separation are among the Conservatives; but I trust that their professed loyalty is better founded than to be driven out of them by the success of their opponents; and I am still persuaded that the firmest adherents to British connexion are the main body of the Conservative party.

Under these circumstances, and with much more sympathy in my own breast towards those who have been loyal than towards those who have been disposed to throw off the dominion of the mother country, I find myself condemned as it were to carry on the Government to the utter exclusion of those on whom the mother country might confidently rely in the hour of need. This exclusion is contrary to my inclination, and

much, in my opinion, to be deprecated; but it was forced on my predecessor by the triumph of their opponents, and I do not at present see a probability of its being remedied without setting at defiance the operation of Responsible Administration which has been introduced into this colony to an extent unknown, I believe, in any other.

The strife of parties is more conspicuous in Upper than in Lower Canada, for in the latter the majority of the French party is so decisive, that no popular commotion could be excited in favor of their opponents; but in Upper Canada, the power of the Reform and Conservative parties being more nearly balanced, there is more contest, and a disturbance is occasionally threatened and sometimes committed. It is in such cases that the Orange Societies are most mischievous. Formed originally, I believe, more as political than religious associations, their tendency, nevertheless, is to foment religious differences. If a violent Conservative wishes to overawe a public meeting or to carry an election, he collects a party of Orangemen, or Irish Protestants, armed with bludgeons. The Reformers, when they have notice of this, endeavour to bring a large party of Roman Catholics armed in like manner; or the Reformers may commence, and the Conservatives follow in this course, the Orangemen being always on the side of the Conservatives, although many Conservatives are not Orangemen. Sometimes an affray ensues; sometimes prudence prevails, and the weaker party quits the field without a contest. In this way Protestants and Romanists are pitted against each other for political purposes, and religious hostility is excited or aggravated. Recently at this place a cross having been erected to indicate that a Roman Catholic place of worship was about to be built, the cross was cut down during the night, and a placard substituted, intimating that no Roman Catholic place of worship should be erected there. I need not, I trust, say that my anxious endeavours will be directed to allay religious as well as political animosities, and to promote peace and harmony.

It is customary, on the arrival of a Governor, to present addresses of congratulation and compliment. It is so much a practice, that it would be a mistake to regard it as a personal affair. I have received several properly confined to these purposes; but in other instances party spirit has introduced comments on political questions, or reproaches against adversaries. In some instances I have been called on to sustain Responsible Government, and follow the footsteps of my predecessor; in others, to uphold the prerogative of the Crown and the authority of her Majesty's Government, and to abolish the rule of the Executive Council. On all such occasions my answers have been such as prudence seemed to me to dictate; and I have endeavoured to dissuade from party dissension, and to inculcate good-will to all men; but most probably in vain.

The course which I intend to pursue with regard to all parties is to treat all alike, and to make no distinctions, as far as depends on my personal conduct, unless I discover, which I do not at present, that principles and motives are concerned which render a different course proper. I may here remark that the necessity of bringing the French into the Council is universally acknowledged, and that the Conservative party were disposed to form a junction with them before the change which brought them into the Council in alliance with the Reform party. The hostility of the Conservative party is chiefly directed against the Reform party in the Council; although there is also occasionally an inveteracy that the Government has been surrendered to the French.

If I had a fair open field I should endeavour to conciliate and bring together the good men of all parties, and to win the confidence and co-operation of the legislative bodies by measures calculated to promote the general welfare in accordance with public feeling; but fettered as I am by the necessity of acting with a Council brought into place by a coalition of parties, and at present in possession of a decided majority in the Representative Assembly, I must, in some degree, forego my own in-

clinations in these respects, although I may still strive as a mediator to allay the bitterness of party spirit. Even the hope of this may be short lived, for any measure that can be construed as indicating the adoption of the supposed policy of the party in the Council will excite the animosity of the excluded party against me personally, so as to destroy such usefulness on my part even in that little degree.

It is, however, an advantage of the present system that opposition to the Council need not be regarded as opposition to the Governor, as long as the Council is virtually nominated by the Representative Assembly; and that opposition to the local Administration, even when the Governor is an object of attack, need not be considered as opposition to her Majesty's Government.

THE SYSTEM OF GOVERNMENT.

TO THE RIGHT HONORABLE LORD STANLEY.

August 5, 1843.

My Lord,—Regarding Lord Sydenham as the fabricator of the frame of government now existing in this province, I have read his despatches to her Majesty's Secretary of State with attention, in search of some explanation of the precise view with which he gave to the local executive administration its present form; or of any clear understanding which he authorised the colony to entertain on the mooted question of Responsible Government.

I find that in the early portion of his despatches, whenever the notion of Responsible Government is alluded to, in the sense in which it is here understood, he scouts it. There are some remarkable passages in his letters from Halifax, or about the time of his mission to Nova Scotia, which indicate decisively his view of that question. In speaking of a vote of want of confidence passed in the Legislative Assembly of that province, with regard to a member or members of the Executive Council, he reprobates such a vote as unconstitutional. He does not entertain the same opinion of a petition from the House to her Majesty for the removal of the Governor. This proceeding he regards as the constitutional mode by which a colony may express its disapprobation of the administration of the government, and seek redress against the measures of the Governor. Nothing could more clearly define his view of the

responsibility of a colonial Government, which evidently was, that the Governor is the responsible Government; that his subordinate executive officers are responsible to him, not to the Legislative Assembly; and that he is responsible to the Ministers of the Crown, and liable to appeals from the colony against his proceedings; it being, at the same time, incumbent on him to consult local feelings, and not to persist in employing individuals justly obnoxious to the community.

Regarding this as the view taken of the question by Lord Sydenham, it is beyond measure surprising that he adopted the very form of administration that was most assuredly calculated to defeat that purpose, and to produce or confirm the notion of Responsible Government which he had before reprobated; that is, the responsibility of the executive officers of the Government to the popular Legislative Assembly. In composing his Council of the principal executive officers under his authority, in requiring that they should all be members of the Legislature, and chiefly of the popular branch, and in making their tenure of office dependent on their commanding a majority in the body representing the people, he seems to me to have ensured, with the certainty of cause and effect, that the Council of the Governor should regard themselves as responsible, not so much to the Governor as to the House of Assembly. In adopting the very form and practice of the Home Government, by which the principal Ministers of the Crown form a Cabinet, acknowledged by the nation as the executive administration, and themselves acknowledging responsibility to Parliament, he rendered it inevitable that the Council here should obtain and ascribe to themselves, in at least some degree, the character of a Cabinet of Ministers. If Lord Sydenham did not intend this, he was more mistaken than from his known ability one would suppose to be possible; and if he did intend it, he, with his eyes open, carried into practice that very theory of Responsible Colonial Government which he had pronounced his opinion decidedly against.

I cannot presume to account for this apparent inconsistency

otherwise than by supposing either that he had altered his opinion when he formed his Council after the union of the two provinces, or that he yielded against his own conviction to some necessity which he felt himself unable to resist. His despatches do not furnish any explanation as to which of these influences he acted under; at least, I have not discovered in his latter despatches any opinion on the subject on which he had previously declared his decision against the theory, which he practically carried into effect, by avowedly making the tenure of office dependent on the support of a majority in the popular branch of the Legislature.

It is understood that he was little accustomed to consult his Council, and that he conducted his administration according to his own judgment. His reputation for ability stands very high in this country; but it is believed that he could not have carried on his Government much longer without being forced to yield to the pressure of the Legislative Assembly on his Executive Council. Before the commencement of the first session of the Parliament of Canada, the only session of the united province that he lived, or ever intended, to go through, he was threatened with a vote of want of confidence against a part of his Council—the very vote which he had pronounced to be unconstitutional. This was averted during that session by a division in the Reform party, but the session, I am informed, was scrambled through with difficulty, the majorities reckoned on in support of the Government on some questions not exceeding one voice, and there not being in every instance even that. The first week of the session was occupied in extorting from the members of the Council an avowal of their responsibility to the majority, according to the popular construction of Responsible Government. The vote of want of confidence was averted in that session only to be brought forward in the next, when, as is known, the dread of it operated with decisive effect.

I dwell on Lord Sydenham's administration because it has had most important influence, which is likely to be permanent, on the subsequent government of this province. He esta-

blished, among the last acts of his administration, what is here called Responsible Government, and left the problem of the success of that system in Colonial Government to be solved by futurity. It may have been that to carry the measures which he had immediately at heart he could not avoid what he adopted.

The term Responsible Government, now in general use in this colony, was derived, I am told, from the marginal notes of Lord Durham's report. Previously to the publication of that document, the Democratic party in Upper Canada had been struggling for a greater share than they possessed in the administration of the government of the country; but they had no precise name for the object of their desires, and could not exactly define their views. Lord Durham's report gave them the definition, and the words Irresponsible Government, Responsibility of the Government, Responsibility of the Officers of the Government, occurring repeatedly in the marginal notes, it is said furnished the name. From that time, "Responsible Government" became the war-cry of the party. Lord Sydenham, on his arrival in Upper Canada, had to encounter or submit to this demand. One of his objects was to win the Reform party, the name assumed by the party in question, and they could only be won by the belief on their part that Responsible Government was to be conceded. In fact, Lord Sydenham, whether intending it or not, did concede it practically by the arrangements which he adopted, although the full extent of the concession was not so glaringly manifested during his administration as in that of his successor.

There appears to me to have been a great difference between the sort of Responsible Government intended by Lord Durham and that carried into effect by Lord Sydenham. On examining Lord Durham's report in search of what may be supposed to have been his plan, I find that he proposes that all officers of the Government except the Governor and his secretary should be responsible to the United Legislature; and that the Governor should carry on his government by heads of departments, in

whom the United Legislature repose confidence. All this might be done without impairing the powers of usefulness of the Governor. If the secretary who issued the Governor's orders were not responsible to the Legislature, there would be a great difference from the present arrangement under which the provincial administration generally is carried on through secretaries professedly so responsible. The general responsibility of heads of departments, acting under the orders of the Governor, each distinctly in his own department, might exist without the destruction of the former authority of her Majesty's Government. In this scheme there is no mention of the combination of these officers in a Council, to act bodily with the character of a Cabinet, so as manifestly to impair the powers of the responsible head of the Government. Lord Durham's general conception does not seem to have been formed into a distinct plan, and when he says that the responsibility to the Legislature of "all officers of the Government except the Governor and his secretary should be secured by every means known to the British constitution," he does not explain by what means this should be done; and it is by the means of doing it that the plan must be most materially affected.

Lord Sydenham realised the conception in the way most calculated to weaken the authority of the Governor, and render the responsibility of the officers of the Government to the popular branch of the Legislature complete, by transacting the business of the province through the provincial secretaries, and making them and all the heads of departments a Council responsible to the Legislature, and holding their seats by the voice of the majority. As far as Lord Sydenham's despatches show, this was an optional and spontaneous arrangement on his part, although clearly opposed in its natural consequences to the sentiments which he had previously expressed.

Lord Sydenham's policy in Upper Canada was to win the party calling themselves Reformers, to crush the party called the Family Compact, and to form a Council of the moderate men of the Reform and Conservative parties. In the two

former of these objects he succeeded. In the latter he must be said to have failed, for, although the Council so formed struggled through one short session of the Legislature, it could not meet, or was afraid to meet, the threatened storm in the next, and was broken up, the Conservative portion retiring to make way for the French party, and what was considered the extreme Democratic, or Reform party.

Lord Sydenham's policy in Lower Canada had been to subdue the French party. In this he failed. They remained compact and exceedingly embittered against Lord Sydenham. They united themselves with the extreme Democratic party; these were strangely joined by the extreme Conservative party; and this combination overthrew Lord Sydenham's Council, which had been previously recruited by Sir Charles Bagot, with accessions from both the Conservative and the Reform parties.

By these manœuvres the French and Reform parties became united, the Conservatives were thrown into a minority, and the ultra-Conservatives, who had aided in bringing about this change, were dropped by their recent allies, in accordance with the terms of their alliance, which was only for offensive war against the Council.

The result of this struggle naturally increased the conviction that Responsible Government was effectually established. New councillors were forced on the Governor-General, to at least one of whom he had a decided antipathy. The Council was no longer selected by the Governor. It was thrust on him by the Assembly of the people. Some of the new members of the Council had entered it with extreme notions of the supremacy of the Council over the Governor—that is, of the necessity of his conforming to their advice on all matters, great or small; and the illness of Sir Charles Bagot after this change threw the current business of administration almost entirely into their hands, which tended much to confirm these notions. Subsequent experience has, I hope, modified these impressions, and produced a more correct estimate of the relative position of the

Governor and the Council; but it is obvious that the existence of a Council, in reality appointed and maintained by a majority in the popular branch of the Legislature, must tend to impair the power and influence of the Governor. Whether this, in the end, will operate advantageously for the colony and the mother country, time alone can positively show. I am disposed to think that its immediate effects are injurious, presuming, as I do, that whatever good it may seem to effect might have been produced in another way.

One evil of this kind of Responsible Government is, that it tends to produce the government of a party. The Governor may oppose himself to this, but will hardly be able to do so effectually. The Council will be apt to think more of securing their own position than of cordially co-operating in the accomplishment of his wishes. Their recommendations in matters of patronage, which in the relations existing between them and the Governor are likely to be often attended to, even without admitting their claim to a monopoly, will be almost always in favour of partisans. Their supporters look to them for the exclusive bestowal of places and emoluments, and threaten openly to withdraw their support from them if they do not favor their views. To maintain the majority by which they hold office will be with them a primary concern; such, at least, is the tendency of the circumstances of their position, without supposing the total absence of higher and better motives.

Without a Council so circumstanced, a Governor, acknowledging the propriety and necessity of conducting his government according to the interests and wishes of the people, and of conciliating and winning the Legislature—and this might have been made a rule for the guidance of Governors never to be departed from—might render his administration of the government satisfactory to all parties, and obtain an influence conducive to the preservation of affectionate relations between the mother country and the colony, and to the welfare and interests of both. Under the existing system, the Governor, it appears to me, is not likely to obtain influence. If he and his

Council are cordially united, he becomes, either in reality or to appearance, a partisan, without any reason for his being so. The credit of all the good that he may do will be assumed by them, or ascribed to them, by their party. All that may be considered evil by the other party he will have the discredit of allowing. If he evinces any disposition to conciliate the other party, he becomes an object of distrust to his Council and their party. Their interests and his, and with his those of her Majesty's Government, are always distinct; for they have their interests as a party to guard, which must be distinct from those of her Majesty's Government, as well as from any which the Governor may personally feel with respect to the credit of his administration.

I will endeavour to describe my own position. I am not perfectly satisfied with my Council, chiefly because they are under the influence of party views, and would, if they could, drag me on with them in the same course. The only effectual remedy would be to dismiss them, or such of them as are most in the extreme on this point, and form another Council. But the consequence to be expected would be, that a cry would be raised accusing me of hostility to Responsible Government. The new Council would not be able to stand against a majority in the popular branch of the Legislature, and I should either be obliged to take back those whom I had dismissed, with a sort of disgrace to myself injurious to the efficiency of my government, or be in a continual warfare with a majority in the House of Assembly that would render my presence here of no benefit to her Majesty's service. Such a contest I would neither shrink from nor yield to, if it became my duty to encounter it; but it is so desirable to avoid it, that it would require strong grounds to justify its being wilfully incurred.

My objects are to govern the country for its own welfare, and to engage its attachment to the parent State. For these purposes it is my wish to conciliate all parties; and although this might be difficult, I do not perceive that it would be impracticable, if the Governor were free to act thoroughly in that

spirit; but the accomplishment of that wish seems almost impossible when the Governor is trammelled with a Council deeming it necessary for their existence that their own party alone should be considered. Sooner than abandon myself as a partisan to such a course, I would dismiss the Council and take the consequences; but it is scarcely possible to avoid the influence of party spirit in an administration in which every adviser and every executive officer is guided by it; and the chief difficulty of my position, I conceive, is to act according to my own sense of what is right, and in opposition to this party spirit, without thereby breaking with the Council and the majority that at present support them. The form of administration adopted by Lord Sydenham appears to me to have put heavy shackles on any Governor who means to act with prudence, and would not recklessly incur the consequences of a rupture with the majority in the popular Assembly. The meeting of the Legislature will probably enable me to see my position more clearly. It is at present far from certain that a change of councillors would produce any beneficial alteration in respect to the difficulty noticed, for any Council appointed on the principle of Canada Responsible Government would most probably have similar party views, and the same pressure on them from their partisans.

It becomes a question whether Party Government can be avoided. The experiment of Responsible Government in this colony hitherto would indicate that it cannot. It seems to be inevitable in free and independent States where Responsible Government exists; and the same causes are likely to produce similar effects everywhere; but there is a wide difference between an independent State and a colony. In an independent State all parties must generally desire the welfare of the State. In a colony subordinate to an Imperial Government, it may happen that the predominant party is hostile in its feelings to the mother country, or has ulterior views inconsistent with her interests. In such a case, to be obliged to co-operate with that party, and to permit party government to crush

those who are best affected, would be a strange position for the mother country to be placed in, and a strange part for her to act. This ought to have been well considered before the particular system which has obtained the name of Responsible Government was established. It is now, perhaps, too late to remedy the evil. I have supposed an extreme and possible case without intending to apply the description to the state of parties in this colony. I trust that it is in a great degree inapplicable. It is nevertheless so far applicable, that the party always known as the British Party in this province is now in the minority. It will be my study to make all parties contented and happy; but that part of my task, I fear, is hopeless. It will also be my study to promote loyalty to our gracious Sovereign, and attachment to the British Empire. These feelings will be most successfully confirmed by an administration of the government satisfactory to the people, and by a conviction on their minds that their interests are promoted by British connexion. The acts of her Majesty's Government in guaranteeing the loan for public works, and in facilitating the importation of Canada wheat and flour into the United Kingdom, ought to have in this respect a very beneficial tendency, as evincing a fostering care for the colony which can hardly fail to be highly appreciated.

I have to apologise for some repetition in this despatch of sentiments nearly the same as those expressed on former occasions on which I have noticed the same subject. It is one which has unavoidably occupied much of my attention, and is brought before me continually by daily occurrences. I feel that the little power of usefulness that I might have had under different circumstances is obstructed by the plan of administration introduced into this colony; but that any attempt to remove the impediment would most probably be still more injurious. I have therefore dilated on the peculiarity of my position more frequently than may seem necessary; and I trust that I shall not again trouble your Lordship on this topic.

[The anticipations shadowed forth in the preceding despatch were soon fulfilled. Sir Charles Metcalfe said truly that "the chief difficulty of his position was to act according to his sense of what was right without breaking with his Council." In a preceding despatch he had spoken of the requirements of his Council, and the impossibility of submitting to them consistently with the duty that he owed to the Imperial Government. "I am required," he said, "to give myself up entirely to the Council; to submit absolutely to their dictation; to have no judgment of my own; to bestow the patronage of the Government exclusively on their partisans; to proscribe their opponents; and to make some public and unequivocal declaration of my adhesion to these conditions, including the complete nullification of her Majesty's Government." But he was not disposed to purchase peace on such terms as these. As the autumn advanced, the prospect of a rupture with the Executive Council seemed more and more imminent: "At the end of November the crisis came. The question which precipitated it at last was a question of patronage. Metcalfe had appointed to his personal Staff a French-Canadian officer who was distasteful to Mr. Lafontaine. The appointment was intended to conciliate the French-Canadian community, but it offended their chief. The leaders of both parties in the Council then waited on the Governor-General, intent on advancing the pretensions of the Executive. They demanded that the Governor-General should make no appointment without the sanction of his Ministers. During two long sittings, on the 24th and 25th of November, Baldwin and Lafontaine pressed their demands with energy and resolution; but Metcalfe, in his own placid way, was equally energetic and resolute. . . . . On the 26th of November, all the members of the Council, with the exception of Mr. Daly, finding that they could not shake the firmness of the Governor-General, resigned their offices, and prepared to justify their conduct to Parliament and the colony at large." The following letter contains Sir Charles Metcalfe's explanation of the circumstances in which this important event had originated, and the results which were likely to attend it.]

RESIGNATION OF THE EXECUTIVE COUNCIL.

TO THE RIGHT HONORABLE LORD STANLEY.

Dec. 26, 1843.

My Lord,—The resignation of the late Council was so surprising, considering the power which they derived from the support of a large majority in the Assembly, that various conjectures have been formed as to the cause of that proceeding.

It is said that they were beginning to totter in Parliament. Some clauses in the judicature bills for Lower Canada, brought in by Mr. Lafontaine, had been thrown out, owing to Mr. Viger's opposition on principle to the arrangement therein proposed of judges sitting as a part of a Court of Appeal on the hearing of appeals from their own judgments. Mr. Baldwin's King's College University Bill was threatened with certain failure, and would probably have been lost on the day after their resignation, if the latter had not furnished a pretext for withdrawing it without assigning the prospect of defeat as the cause. Their assessment bill likewise gave general dissatisfaction in Upper Canada, and they had been compelled to modify it considerably. These and some other occasional symptoms of defection, although not affecting their general majority in the House, were regarded as omens of approaching weakness, and it is supposed that, in order to recover waning popularity and power, they sought a rupture with the Governor, determined to make use of it for the purpose of raising a popular cry in their own favor, through which they might either return to power with increased force, and the complete prostration of the Government to their

will, or throw the Governor into a state of collision with the Assembly, and head a popular and overwhelming opposition against him and any Council that he might form. This explanation has obtained some currency; but I cannot say that I give full credence to it as sufficiently accounting for their conduct, although the circumstances stated may have had a share of influence.

A more obvious motive may be found in other circumstances. There were several bills before the Parliament which, if passed into laws, would have created several new appointments with considerable salaries. Some of these, it was rumoured, they had promised away in the purchase of support, especially of votes on the Seat of Government question. To secure the distribution of this patronage for their own party purposes was, I conceive, the immediate object of their demand, or one for the surrender of the patronage into their hands. If the demand had succeeded, they would have accomplished that purpose, would have prostrated the Government at their feet, and would have gone some way to perpetuate their retention of power. If they failed in that demand, they could adopt the course which in the conjecture adverted to in the preceding paragraph they are supposed to have sought premeditatedly the means of following. When the rupture had occurred, they took care that the patronage in the distribution of which they had reckoned should not be created. The bills were either quashed, or the patronage clauses excluded.

As soon as they had made up their mind to resign, they manifestly determined to raise the cry of Responsible Government in their favor, and to pretend that this favorite system was in danger at the hands of a Governor who was trying to restore the old days of the Family Compact, and so forth. They suppressed entirely the facts on which their resignation took place, and when that suppression was exposed, they pretended that all that they required was that their advice should be taken respecting all appointments, not that it should be followed,—a representation of their views too absurd to merit lengthened

refutation; for there is not a word that can be said against making appointments without asking their advice, that might not with less dispute be urged against making them contrary thereto. They suppressed all mention of the demand that they had made, to the purport that no appointment should be made injurious to their party influence. It is perfectly clear that their object was to extort a surrender of the patronage into their hands; and one word from me agreeing to the most limited of their demands, would have shackled the Governor, and dragged him at their chariot-wheels for ever.

Their conduct is nevertheless surprising. They might safely have reckoned, from my past practice, on a large share of patronage. Their pretence to the Parliament and the public was, that they only wanted to know of appointments before they were made. The facts of the case on that point are, that I scarcely ever heard of a vacancy except by a nomination from them for the succession; that I rarely made an appointment otherwise than on their recommendation; and that I do not recollect a single instance in which I made an appointment without being previously made acquainted with their sentiments regarding it. I certainly did not consider myself absolutely bound to consult them regarding every appointment, nor to surrender my judgment to their party views—and when a demand was made that I should so fetter her Majesty's Government, I decidedly refused—but practically they had more than they pretended to desire; and not only had the means of expressing their opinion on any appointment about to be made, but had actually most appointments given away on their recommendation. Were I now endeavouring to account to your Lordship for any exercise of patronage, I should be much more fearful of being found guilty of too much consideration for the Council, than of too rigid a maintenance of the prerogative of the Crown.

When they set up the cry of Responsible Government, their success was at first wonderful, especially in the Assembly. Nearly all of the party called Reformers, moderate as well as extreme, probably from fear of their constituencies, thought it

necessary to join them. Misrepresentations had also some effect in the country, which, however, seems to be diminishing in both Lower and Upper Canada. Nevertheless, the discussions that have arisen in consequence of the resignation of the Council have shown that the opinion of the party, which may be called the Responsible Government party, goes the full length of the pretensions of the Council, and that it is really understood that Responsible Government means the entire submission of the Governor to the advice of the Council, and consequently the entire supremacy of the Council, excepting only when by an appeal to the Parliament or the people the Governor can obtain a majority for a new Council in any difference with the one from which he may part. Responsible Government carried to this extreme appears to me to be impracticable in a colony with any preservation of the authority of the mother country, for time after time fresh encroachments on that authority will be made by the spirit of democracy. This has already advanced so far, that it is now impracticable to carry on the government with any chance of support from the parties at present composing the majority in the House of Assembly without acknowledging Responsible Government as the rule, although so undefined a theory may still admit of different constructions. Between these two impracticabilities the prospect as to the future government of this colony is very uncertain. The time cannot be far distant when it will be necessary either to submit to the extreme view taken of that principle in this colony, which would complete the subversion of all government on the part of her Majesty, and the substitution of that of the dominant party, or to resist the popular frenzy with the risk of separation.

I do not mean to say that the rage for Responsible Government is universal. The addresses which I have received and submitted to your Lordship show that there is a considerable party willing to support the Government against republican encroachments; and if Upper Canada were alone, I could at this moment, by an appeal to the people, obtain a majority in the Assembly composed of the British or Loyal party. It may

some day become necessary to lean entirely on that party, and then the question will be tried whether the government can be carried on with their aid alone. If reduced to that necessity, I should not despair. It presents almost the only chance of the colony's remaining a British colony in more than name; and the measures of the Government might be as liberal with that party as with any other, so as to preclude any reasonable cause of complaint. But reason has little influence in party strife; and there would be a risk in resting solely on that party, which I would not encounter without a necessity.

I have, therefore, since it became necessary to form a new Council, tried to compose it of the French party, the British party, and the Reform party. The latter party, in the first instance, evinced reluctance to coalesce with the British party, and sought to obtain an assurance from the dominant leaders of the majority that they would support, or at least not oppose, a Council formed exclusively from the Reform and French parties. This, however, did not suit the views of these dominant leaders, and I was spared the embarrassment of determining whether to take such a Council, for the sake of an immediate majority, to the exclusion of the British party, who had come forward ardently and generously to support her Majesty's Government in the time of need, or whether to adhere to the Loyalists, with the sacrifice of a majority in the Assembly. I still entertain hope of being able to form a Council composed of the three parties before mentioned, who are already in some degree represented in the Provisional Council at present nominated,—Mr. Viger representing the French party, and both Mr. Daly and Mr. Draper representing in some degree as to each both the British and moderate Reform parties. Mr. Viger requires time. No influential person of the French party has hitherto joined him; but he expects a change in the opinions of that party, and is not without hopes of eventual support. In the mean time he is very valuable to me as a link connecting the Government with the French-Canadian interests, and as showing my own disposition towards that race. His conduct

has been admirable. He has evinced energy, firmness, disinterestedness, and patriotism; and his principles, as well as those of Mr. Daly and Mr. Draper, are entirely satisfactory. The other arrangements for the completion of the Council and the nomination to vacant offices are suspended until Mr. Viger's plans for the junction of gentlemen of Lower Canada bring aid from that quarter, and until the Upper Canada Reform party conclude their arrangements for a junction which is pending. These delays and cautions, which in a different state of affairs would be unnecessary, are prescribed by the urgent expediency of securing, if possible, a majority in Parliament, which can only be effected by satisfying the three parties before designated, or sufficient portions of them.

After the completion of the requisite arrangements, I shall meet the present Parliament, whenever that may be requisite, either with or without a majority in support of the Government. If there be a majority, I trust that our measures will be such as may confirm it. Should the Government be in a minority, and proceedings be factiously obstructed by the majority, I must then dissolve the Parliament. After the election, if a majority should be returned in favor of the Government, I may expect that public business will proceed. In the contrary case, if factious measures be adopted to embarrass the Government and force back on me the objectionable gentlemen who have resigned, all that I can at present foresee is, that I will not yield to factious opposition, nor submit to have men forced back on me in whom I cannot place confidence. I shall then, in the case supposed, be in a state of collision with the House of Assembly, without the hope of advantage from a further dissolution. The feeling of the majority will by that time have become acrimonious against me personally, and either I must be recalled for the sake of peace in the colony, or Responsible Government will be practically exploded.

I have hitherto written on this subject under a conviction that I was right in resisting the demands of the late Council, and that I could not have prevented their resignation without

a degrading submission that would have virtually surrendered the commission that I hold from her Majesty into their hands. Whatever may happen, I shall not regret the retirement of gentlemen who, from anti-British feelings, are unfit to be the advisers of the Governor of a British colony; and if a majority in Parliament be determined to force them back on me in that capacity, I shall despair of the probability of Canada's long remaining a British colony. Your Lordship may possibly take a different view of the case, and be of opinion that the present crisis has been produced by some mismanagement or defect of judgment on my part. In that case, a different remedy may suggest itself from any that I propose; and whenever the time may come when your Lordship may consider, whether now or at any later period, that my removal will be beneficial to the public interests, I earnestly entreat that no personal delicacy or indulgence towards me may have a moment's influence in retarding such a measure. I do not mean by this request to imply the slightest desire to retreat from the contest that may await me, as long as my presence can be of any service. While I retain your Lordship's confidence, I shall have greater satisfaction in endeavouring to maintain this as a British colony, than I ever could have had in co-operation with gentlemen whose constant objects seemed to be to reduce the authority of her Majesty's Government to a nullity, and to rule with unbridled power according to the most illiberal dictates of the most anti-British party spirit; according to which, every man who had been a rebel was deemed deserving of reward, and every one who had loyally and bravely defended his Queen and country was to be proscribed or neglected.

From the time of their resignation, forgetful of the maxims of Responsible Government by which they profess to be guided, and which ought to have taught them respect for the representative of their Sovereign, they have practised, by themselves and their partisans, and the portion of the Press under their influence, every endeavour to raise a cry against me as an alleged opponent of Responsible Government; and having no

facts on which such an accusation could be founded, have invented, without shame, groundless falsehoods, to give a color to the assertion. One absurd one is, that I had removed from the printed copy of my reply to their explanation of their resignation, sent down to the legislative bodies, the paragraph containing my declaration of adhesion to Responsible Government; as if, independently of the unworthiness of such a proceeding, I could designedly remove the paragraph the best calculated to refute the injurious part of their explanation; and as if, after placing one copy of my answer in their hands, and having had another copy read in the Assembly, both including that paragraph, I could have subsequently taken it out with any hope of any benefit that might be supposed possible from suppressing it. Another false statement, almost traceable to one of themselves, is that their dismissal had been long premeditated, that it took place under your Lordship's orders, and was settled before I embarked from England. Any statement of this kind that can excite a ferment in their favor and against me is resorted to without scruple, and no doubt produces effect.

As to Responsible Government, I venture to say that never has this favorite system been so carried into practice by any former Governor as by me, excepting during the period of my predecessor's incapacity from sickness, when the powers of the Government were entirely assumed by the Council. One of my first duties was to resume the authority of the Governor with respect to the ordinary transaction of business, conducting the administration of the government through the secretaries, without reference to the Council, except in cases in which the law required that I should have their consent, or in which I was desirous to avail myself of their advice. It is remarkably characteristic of their exclusive views, which were almost literally confined to the possession of patronage for party purposes, that in all their attacks on me since their resignation in support of their accusation of opposition to Responsible Government, not one word has been said of the numerous daily, and often im-

portant, orders issued by me without reference to them; while on the subject of patronage, the sole object of their cupidity, I cannot, as before remarked, remember a single instance in which I made any appointment without being previously aware of their sentiments regarding it, or without receiving their recommendation of a successor, which most frequently announced the vacancy to be supplied. I speak of the ordinary practice, for I never relinquished the right of exercising the prerogative of the Crown at my discretion; and this is the point on which I have been in collision with the majority of the Assembly supporting the late Executive Council.

The object of the party since their resignation seems to have been to force themselves back on me by the weight of their majority; or, failing in that, to embarrass me as much as possible, by obstructing the progress of beneficial measures, and by opposing any Council that might be formed. The first object I regard as quite unattainable. It is impossible that I can receive them back. The second they may effect; but such an opposition will be wholly factious, and must have a tendency to destroy their favorite object of the supremacy of the Council, as I conclude that her Majesty's Government will deem it unwise to submit to such dictation from the "Civium ardor prava jubentium," which, if successful, can only end in the annihilation of the power of the Crown, and in eventual separation or civil war; although it is likewise possible that resistance may lead to the same result.

I have hitherto omitted to notice that the resignation of the members of the Council was on the part of most of them reluctant. It was brought about by Messrs. Baldwin and Lafontaine, and chiefly by the former, who, perhaps, not liking his position as second to Mr. Lafontaine, and having lost popularity in Upper Canada, may have desired to place himself at the head of the whole Responsible Government party by raising the cry that their favorite scheme was in jeopardy. Seven others followed the two leaders in their resignation, although it was evident that several of them did not relish the proceeding.

They went, however, either from conceiving adherence to their leaders to be their proper course, or from expecting to return along with them to power. I let them go without any effort to detain them, for there was only one among them, Mr. Morin, whom I could have any desire to retain, or whose continuance would have been of any service to the Government. It seemed to be generally expected, for some time after the resignation, that I should be forced to call them back; and this impression may have influenced some of the votes given in the Assembly in their favor. Several members of the House came to me in successive deputations as mediators, professing to desire reconciliation; but I received no overtures directly from the resigners; and any attempt at reconciliation on my part would have been an acknowledgment of defeat, and would have been attended with the prostration of the Government before a domineering faction.

Her Majesty's decision in favor of Montreal on the Seat of Government question, received by this packet, may irritate the parties hitherto since the rupture most disposed to support me in Upper Canada, and make them lukewarm or even adverse; but if that consequence should take place it cannot be helped. The decision, if I may presume to say so, is right; and after the reference to the Legislature, could not have been otherwise. Recent events have not altered the opinion which I before expressed on that subject; that is, that the fittest place in the united province ought to be chosen, without regard to sectional claims or feelings, which could only embarrass the decision. The effect, however, in Upper Canada is doubtful, and there are predictions of agitation for a repeal of the union; for which retrogression neither division of the province is much indisposed. It is not necessary at present to trouble your Lordship with my notions on that question.

EFFECT OF IRISH AGITATION ON THE TRANQUILLITY OF CANADA.

TO THE RIGHT HONORABLE LORD STANLEY.

July 8, 1843.*

My Lord,—I find among leading men of all parties in local politics in this province a considerable alarm prevailing lest the hostile attempt in progress in Ireland to dismember the British Empire, under the pretence of seeking a repeal of the legislative union of that country with Great Britain, should affect the security of Canada.

It is supposed that if any collision were to occur in Ireland between the Government and the disaffected, it would be followed by the pouring in of myriads of Roman Catholic Irish into Canada from the United States, assisted by the inimical portion of the American population, and that they would be joined by the great body of Roman Catholic emigrants now settled in this province. So strongly has this alarm prevailed, that a gentleman of information and ability, and a member of the House of Assembly, recently brought to my private secretary a letter received from New York, written by an individual on whose veracity the gentleman relied, stating that French officers were actively engaged at that place in drilling the Irish with whom it abounds, with a view to the invasion of Canada immediately on the occurrence of any outbreak in Ireland. I cannot say that I gave credit to this intelligence; and I trust that the alarm so generally entertained is an exaggerated one;

* The expediency of placing one after another the three preceding despatches has thrown the present paper out of its proper chronological sequence; but it sufficiently tells its own story in this place.

but as it exists, it is right that your Lordship should be apprised of it. It arises solely from apprehensions of an outbreak in Ireland, and when these shall be dissipated, as I devoutly hope they will be, by the success of the endeavours of her Majesty's Government to maintain tranquillity unimpaired in that country, the alarm will cease and be forgotten here.

From their being in some degree connected with this subject, I enclose two placards which lately appeared in Kingston, the one summoning an Irish repeal meeting, and the other calling a counter-meeting at the same spot, for the avowed purpose of obstructing the former, as the placard says, "peaceably if we can, forcibly if we must." It was evident that if the parties came together there would be collision, and anxiety was naturally caused by the prospect. Two of the principal magistrates called on me, and very properly represented the danger. They seemed to expect that I should authorise measures to prevent the repeal meeting; but although I deprecated such a meeting as much as any one, and cordially detest its object, it appeared to me that it could not be deemed illegal if it were peaceably conducted, and that those would be to blame who might attempt forcibly to obstruct it. I therefore recommended the magistrates first to try whether they could not dissuade the leaders of the repeal movement from holding their projected meeting, and if that effort failed, then to exert their influence with the other party to prevent any obstruction to the meeting, and, at all events, to take measures to keep the peace. The matter ended in those who had called the repeal meeting being dissuaded from persevering in their purpose. Although disturbance was thereby prevented in this instance, it is evident that the Irish emigrants have brought their combustible character along with them to this province, and that collision is not unlikely to occur, as opportunities arise, between those of the Church of England and those of the Church of Rome. Orange Lodges have long existed in Upper Canada, but originally they were more connected with political than with religious differences. Latterly, however, Hibernian societies have been formed, in which

the Roman Irish congregate, and the several societies carry the colors and insignia which belong to the corresponding parties in Ireland. The 12th of July is approaching, on which day the Orange Lodges are apt to make demonstrations which the Irish Roman Catholics deem offensive. I have had personal communication with both the Grand Master of the Orangemen and the Roman Catholic Vicar-Apostolic—the Roman Catholic Bishop being confined to his house by sickness—on this subject. They have both promised their assistance in persuading their respective parties to keep the peace. No Orange processions are, I understand, to take place at Kingston and other places where there are lodges, but they will, I am informed, in some places; and I can only hope that where they do they may pass without disturbance.

The differences between the opponent societies are still, I believe, more of a political than of a religious character, but those of the latter description are likewise excited. The Orange Lodges side with the Conservatives, or, as they seem now most disposed to call themselves, the Constitutionalists, and the Hibernian societies with those who call themselves Reformers. The danger of collision and disturbance from these societies is at present confined to Upper Canada. My attention will naturally be fixed on this subject, as it is most desirable that such causes of mischief should on both sides cease to exist.

DIFFICULTIES OF THE GOVERNOR-GENERAL'S POSITION.

TO THE RIGHT HONORABLE LORD STANLEY.

October 9, 1843.

[EXTRACT.]—My post is far from a pleasant one. While I wish to devote my mind exclusively to the welfare and happiness of the country that I have been sent to govern, I find myself almost paralysed as to any good purpose, and engaged in a continual struggle to maintain the due authority of my office against the assaults of the very men whose professed duty it is to assist me. The struggle as to ultimate results is, I fear, fruitless, whatever temporary and limited effect it may have in warding off their completion. It must be always difficult to withdraw power once granted to the leaders of a representative body chosen by the multitude, and scarcely less so to withstand their encroachments. Lord Sydenham attempted an impossibility, in composing an Executive Council as he did, and expecting that the power of the Governor would remain unimpaired, or could be exercised as freely as before, if such were really his anticipations. I see no prospect of any cessation of this almost unavailing struggle until the principle for which the present Executive Council and the House of Assembly are practically contending—namely, democratic and party government—be fully admitted; and then the prospect of being a tool in the hands of a party would be anything but enviable—and even now it is difficult to be otherwise—for whatever personal influence the Governor's character or conduct may exercise,

must strengthen the hands of his ostensible advisers. Were the power of the majority in the hands of a party thoroughly attached to British interests and connexions, there would be a ground of mutual cordiality and confidence which would render real co-operation more probable, concession more easy, and even submission more tolerable. The difference between me and my Council in views and feelings in these essential points is so great, that I should certainly part with them if I could see any sufficient prospect of carrying on the government successfully by a change. But there is no such prospect. The party in office have the strength of the majority, and seem likely to retain it; and I can see nothing but embarrassment and convulsion as the probable consequences of their dismissal. I therefore think it necessary to bear with them, to co-operate with them in any good measure that may present itself, and to resist anything that appears to me to be wrong; in doing which a rupture may some day arise, which, when unavoidable, I must wade through as well as I can. In the mean while I must make the best in my power of a state of affairs which, to my apprehension, is the reverse of satisfactory. Fortunately there are some measures in which we agree, and which I hope may operate to the benefit of the community.*

* This paper should rightly have preceded the one on the Resignation of the Council, to which I gave precedence for reasons stated in a preceding note. I append the present extract to indicate the unwillingness of Sir Charles Metcalfe to precipitate a rupture, though he felt it to be inevitable.

RESULT OF THE GENERAL ELECTION.

[After the resignation of Lord Sydenham's Council, Sir Charles Metcalfe, seeing little probability of his new Ministers obtaining a majority in the House of Assembly, dissolved Parliament and appealed to the constituencies. The following despatch relates to the result of this appeal.]

TO THE RIGHT HONORABLE LORD STANLEY.

November 23, 1844.

My Lord,—The returns of the recent general election of members of the House of Assembly in this province exhibit the following results:

Upper Canada—Avowed supporters of the Government, 30.
Avowed adversaries, 7.
Undeclared and uncertain, 5.
Lower Canada—Avowed supporters of the Government, 16.
Avowed adversaries, 21.
Undeclared and uncertain, 4.

Total of both sections of the Provinces:
Avowed supporters of the Government, 46.
Avowed adversaries, 28.
Undeclared or uncertain, 9.

These results show that loyalty and British feeling prevail in Upper Canada and in the eastern townships of Lower Canada; and that disaffection is predominant among the French-Canadian constituencies. By disaffection I mean an anti-British feeling, by whatever name it ought to be called, or whatever

be its foundation, which induces habitually a readiness to oppose her Majesty's Government. In some instances in Lower Canada, the candidates avowedly opposed to the Government have been rejected by the constituencies which they before represented. It is, however, remarkable that Mr. Viger, Mr. Neilson, and Mr. Cuvillier, our late Speaker, the three popular individuals formerly nominated as a deputation to England to represent the alleged grievances of Lower Canada, have lost their elections, because the two former are avowed supporters of her Majesty's Government, and the latter was suspected of being so, without any avowal or demonstration on his part to that effect. Mr. Noel likewise, the only French-Canadian member besides Mr. Viger who supported her Majesty's Government in the last Parliament after the resignation of the late Council, has now been thrown out. The same has happened to Mr. Barthe, the editor of the *Aurore*, the only French-Canadian member who, since the prorogation, has taken an active part in support of Mr. Viger; but with respect to Mr. Barthe, it is right to state that the loss of his election is attributed to there having been another candidate in the same county also avowing support of the Government, by which the votes of the Government supporters, forming an aggregate majority, were divided between two candidates, while those of the adverse party were given to one, who thereby obtained a majority over each of the others. If this be a correct explanation of the result of the Yamaska election, the division of the votes in support of the Government was very unfortunate, for the exclusion of Mr. Barthe, who since the prorogation has been very prominent in support of Mr. Viger, is a triumph to the other party, and a source of regret to the Government. Mr. Viger attributes his own defeat in Richelieu to the previous result of Mr. Barthe's contest. Mr. Viger's successful antagonist was Dr. Wolfried Nielson, a leader of the rebels in 1837, who owes his impunity to his not having been brought to trial, and to the summary judgment of Lord Durham, subsequently deemed illegal.

I have stated in a former communication that the strength of the opponents of her Majesty's Government in this province rests on disaffection or an anti-British feeling. In Lower Canada it appears to be the latter, without any definite object. The French-Canadians are described by most of those who live among them as a quiet, orderly, amiable race, who, if left to themselves, would be peaceable and good subjects. But it is observable that they are more easily led against than for the British Government; and that although this may be the effect of misrepresentation, no misrepresentation and falsehood is too gross for their credence if directed against her Majesty's Government or its supporters. That any one of their own race who is stigmatised as a supporter of her Majesty's Government, however popular he may have been, loses all his influence and becomes odious. This spirit is worked on and inflamed by the malignancy of the French-Canadian party, consisting of young lawyers, notaries, and other influential members of rural communities. This spirit of disaffection in Lower Canada, I have above remarked, has no definite object. I ought rather perhaps to say that it does not manifestly aim at immediate separation from the British Empire, or union with the United States of America, or the formation of an independent Republic. If it has any definite object, it is the ascendancy of the French-Canadian nationality. Its tendency, nevertheless, is to adopt any scheme hostile to the British Government. The circumstances which brought Messrs. Lafontaine and Morin into the Council, accomplished in a great degree the ascendancy of the French-Canadians, and that state of affairs was naturally popular among them. The union of that race with the late Executive Council was not in support of her Majesty's Government, but for its subjugation; and it was in the baffled attempt to effect the latter purpose that the Council resigned, and have since been struggling to force themselves back into power.

In Upper Canada the spirit of disaffection is various. The party which has assumed the unsuitable name of Reformers

includes all shades of the disaffected, and some who may not properly come under that designation. Some of the disaffected are for a junction with the United States; others for an independent Republic. Others are content to let British connexion nominally remain on the footing of the British nation, bearing all the expense of the protection of Canada, while the anti-British party should rule the province without regard to the supremacy of the mother country, and practically excluding, depressing, and proscribing all those most attached in principle and in feeling to British connexion. All of the several classes described are supporters of the late Council, reckoning on the latter as either sympathising with them fully, or as approaching nearer those views than any other leaders that could have any chance of being admitted to a share in the government of the colony. Among the supporters of that party, however, are probably some who, without any disloyal views, adhere to it because it is the party to which they had previously attached themselves, and whose superiority they deem necessary for the establishment of Responsible Government, without clearly comprehending what is meant or ought to be understood by that fascinating and indefinite term, which, although descriptive of an excellent principle, is liable to interpretations tending to establish absolute democracy or anarchy. A new element of disaffection has been introduced into both sections of the province by the influx of late years of Irish Roman Catholics from Ireland and the American States, strongly imbued with feelings adverse to the British Government. These feelings have been diabolically worked on for their own purposes by the party opposed to her Majesty's Government, representing the Protestant supporters of the Government as Orangemen, and thus adding religious animosity to other evils of dissension, the object being to gain over the Roman Catholic population bodily to their side. Mr. Hincks, one of the late Council, has been particularly conspicuous in this abominable incendiarism, which, from the character of those worked on, has generally produced the effect intended.

The carrying of the Montreal election in favor of the Government was hardly expected. The Opposition candidates, the former members—Dr. Beaulieu, a French-Canadian, and Mr. Drummond, a Roman Catholic, of Irish descent—were the first in the field, and it was for some days doubtful whether any others would appear. Mr. Moffat, however, the highly-respected member for Montreal in the last Parliament, who resigned his seat because he could not conscientiously vote for the transfer of the seat of government to Montreal, was prevailed on by the British party to stand, and with him they joined Mr. De Bleury, a French-Canadian gentleman, who has been remarkable as a supporter of her Majesty's Government, and therefore scouted by his disaffected fellow-countrymen. He brought no additional strength to the contest, but it was deemed right that one of the candidates in support of the Government should be a French-Canadian gentleman. These candidates being selected, the British party seemed determined to win the election, or at least not to have their suffrages taken from them by the violence practised at Mr. Drummond's election in April. The same violence was designed by that gentleman and his party on this occasion; but the British party were resolved to oppose force by force, and organised themselves for defence. Owing to the spirit and firmness with which they resisted the attacks of the Roman Catholic mobs of canal laborers hired by Mr. Drummond's party—to the admirable arrangement of the returning-officer, which secured uninterrupted and equal polling for both sides at all the polling places throughout the election—and to the ready attendance of the military when necessary to preserve the peace—the violence attempted entirely failed, and the British party triumphed. As it is supposed that if all the electors could have voted there would have been a majority in favor of the Opposition candidates, owing to the great bulk of French-Canadian and Irish Roman Catholic voters being on their side, the peculiar circumstances which gave success to the British party require explanation. The existing election law, confining the polling

to two days, does not allow time for receiving all the votes of so large a constituency. The polling, therefore, being carried on equally in those wards in which neither party's votes were exhausted, there would be little or no superiority on either side, and what there might be would be accidental. Such was the case in the large wards; but in the small wards, where the votes on both sides were fully taken and exhausted, there was a majority in favor of the candidates supporting her Majesty's Government, which secured their success without ascertaining on which side the majority of the aggregate body of electors actually was, as the whole could not, for want of time, be brought to the poll. In the April election, the polls having been seized by the hired ruffians of Mr. Drummond, and the British party being unable to resist from want of organisation, the returning-officers also being either partial or devoid of energy and firmness, the British party had then no chance. On the present occasion the numbers were—for Mr. Moffat, 1079; for Mr. De Bleury, 1075; for Mr. Drummond, 953; and for Dr. Beaulieu, 952.

At Quebec, and in that neighbourhood, the British party appear to have been paralysed, and made no effort to dispute the elections. Two Opposition members were returned for the city of Quebec without a contest. Mr. Black, one of the former members, did not stand. He might have been returned, but as he would have owed his seat to the support or sufferance of the Opposition party, he did not choose to come into Parliament fettered by such an obligation, although he did not declare his opinions either for or against them. Mr. Neilson, formerly highly popular with the French party, allowed himself to be put in nomination for the county of Quebec, but was rejected by a large majority in favor of a young French-Canadian lawyer, because Mr. Neilson, although perfectly independent in character and conduct, had shown himself, during my administration, as a supporter of her Majesty's Government. Whenever inquiry is made as to the listlessness evinced by the

British party in any part of the province, the reply is that they cannot rely on her Majesty's Government, that they have been repeatedly abandoned and sacrificed to their enemies, and that of late years the most successful course in this colony has been in rebellion and hostility to British connexion.

In Upper Canada our success in the elections has exceeded expectation, and is owing to the loyal spirit of the majority of the people. It has often been said that the people of Upper Canada would not be appealed to in vain when the connexion of the province with the mother country might be in jeopardy, and the present crisis has been viewed as one of that character. The majority of the upper classes of British Canada are decidedly loyal, and the yeomanry have the same honest feeling. Both classes have exerted themselves zealously and spontaneously on the present occasion; and there never was an election in any country more free from interference on the part of the Government than that of which I am reporting the result. It is highly gratifying to be assured that in Upper Canada a loyal feeling is predominant.

The same spirit has been conspicuous in the Eastern townships of Lower Canada. The three members who voted for the Government on the question raised by the late Council after their resignation have been again returned; and the three who voted for the Council have ceased to represent their respective counties, two retiring without an effort from an anticipation of failure, and one sustaining defeat from a decided majority in favor of his opponent. The eastern townships, therefore, which may be regarded as the British portion of Lower Canada, have all returned members pledged to support her Majesty's Government.

Mr. Hincks has been rejected in the county which he represented in Upper Canada; Mr. Boulton likewise, formerly Attorney-General in Upper Canada, and subsequently Chief Justice of Newfoundland, but dismissed from both offices, and now a discontented man, who has chosen to take part against

her Majesty's Government, although he is not held in much estimation by the revolutionary party which he has joined. Mr. Durand, one of Mr. Baldwin's most devoted followers, has also been rejected; and Mr. Baldwin and his supporters, Messrs. Price and Small, were hard pushed in the ridings which they represent,—the seat of rebellion in 1837. There was an encouraging prospect of defeating Mr. Lafontaine in Terrebonne, one of the Papineaus having come forward with much prospect of success to oppose him; but notwithstanding a general belief that Mr. Papineau would be successful, he unaccountably withdrew without demanding a poll, the show of hands at the nomination being in favor of Mr. Lafontaine, owing to the more skilful management of the latter. Mr. Papineau has in consequence incensed those who were ready to support him, and disappointed a very general expectation that Mr. Lafontaine would be defeated in his own county—in which expectation his own party participated, for means were devised to procure his return elsewhere, in the event of failure in Terrebonne—but instead of failing there, he has been returned without a contest. The Mr. Papineau alluded to is not the one who is a member of the Executive Council. The latter has been returned for the county which he before represented without opposition.

Presuming that a majority has been returned to the present Parliament disposed to support her Majesty's Government, it must be admitted that this majority has been elected by the loyalty of the majority of the people of Upper Canada and of those of the eastern townships in Lower Canada; in other words, by the party calling themselves Conservative or Constitutional, and by their adversaries denounced as Tories—a designation which, on this continent, seems to me to have the same meaning which it bore during the rebellion of the thirteen united colonies, when it was applied to all the supporters of the British Government. The majority being so composed—those heretofore regarding themselves as belonging to the Reform party, but nevertheless willing now to support her Majesty's

Government—are somewhat squeamish as to co-operation with their new allies; and this feeling, which exists even in the Executive Council, is already, and will continue to be, the cause of some embarrassment. My own views are to cherish and encourage the spirit of loyalty and attachment to British connexion which the result of the election proves to be predominant in those of British descent, and at the same time to act with equal justice towards all races, creeds, and parties; to reward merit wherever it is to be found to the extent of my means; and to abolish exclusion: thus endeavouring to amalgamate all parties, and to mitigate, if I cannot extinguish, that feeling of disaffection which, from whatever cause it may arise, is the bane of this colony.

ON THE DIFFICULTY OF FORMING AN ADMINISTRATION.

[*April* 4, 1845.]

[EXTRACT.]—The system of government established in this province during Lord Sydenham's administration has created great difficulty in providing for the discharge of the duties of the highest offices in the colony, which are those held by members of the Executive Council, with a virtual dependence on the pleasure of the representatives of the people. Mere fitness in the individual for the office—nay, the most perfect fitness—is not sufficient, and must yield to other considerations. He must be of the same political opinions with his colleagues in the Executive Council; he must be a member of one or the other of the Legislative Houses; and he must be one of a party that can command a majority in the Legislative Assembly. The obstacles formed by these conditions are not easily surmounted; and, added to these, is the reluctance to accept office, of which the precarious tenure renders professional and private pursuits more profitable, and offices of inferior rank and emolument not exposed to the same precariousness more desired. During nine months of the last year I was laboring in vain to complete my Council, and I have now again to fish in troubled waters for an Inspector-General, and for a Lower Canada Solicitor-General. The former must be a member of the Legislative Assembly, as he is in that body a professed imitation of the Chancellor of the Exchequer in the House of Commons; he must also belong to the party supporting the Government, and be able to coalesce

with his colleagues in the Council; he ought, further, to be an Upper Canada member, as at present the representatives of Lower Canada in the Executive Council are as two to one of those from Upper Canada. If at present a member of the House, he must go to his constituents for a re-election, which will infallibly be contested; if not at present a member, he must persuade some member to resign in his favor, and will then have to undergo a contest for his election. Who will be found to fulfil all these conditions, and be at the same time willing to undertake the office, with its attendant annoyances and uncertainties? neither do I know, nor has any one hitherto occurred either to me or to any of my Council. With respect to the Solicitor-Generalship for Lower Canada, your Lordship is aware that I have been desirous of appointing a French-Canadian to that office, but this officer also is expected to be a member of the Legislative Assembly; and it is scarcely possible to find a French-Canadian capable of filling the office who could venture to separate himself from the French Compact, and whose return by a Lower Canada constituency could in that case be secured. The office, consequently, has not been filled since the resignation of the last Council. Although I might relinquish my hitherto unsuccessful desire to appoint a French-Canadian to that office, and might substitute a barrister of British extraction, there would still be uncertainty as to his election to the Legislative Assembly. This kind of difficulty in filling up offices, and consequently in carrying on the government with efficiency, originated, I believe, in the modification of the Executive Council arranged during Lord Sydenham's administration. Whether it was wisely substituted for difficulties more perilous, or spontaneously created without sufficient reason, is a wide question on which I will not now enter, and which it is the less useful to discuss, as I do not see the possibility of abrogating the practical supremacy conferred on the representative body by that arrangement, or of removing the impediments to good administration resulting therefrom. In giving effect to the system thereby introduced, provincial

politicians have adopted its defects as if they were its virtues, and in rendering themselves slaves to exaggerated notions and questionable consequences, lose sight of the essentials of Responsible Government.

Had it been in my power to report that the Executive Council was stable, and sure to command a majority in the Legislature in future sessions, I should probably at this time have solicited permission to withdraw from the cares of office; because, although my general health seems unimpaired, the continual discomfort which I suffer from a complaint in my face that has baffled medical skill, and having destroyed the sight of one eye, still menaces further ravages, would render retirement and rest very acceptable; but I should never be satisfied with myself if I bequeathed this government in a state of embarrassment to my successor, as long as there is any hope that, by remaining at my post, I can render any service to her Majesty, or promote the good order and welfare of this colony. I do not, therefore, entertain any intention of resigning my charge while your Lordship is of opinion that I can be useful here. The time, however, may come when, owing to the state of parties, and the personal feelings regarding myself by which some of them are instigated, the formation of an administration supported by a majority in the Legislature might rather be facilitated than impeded by my departure. If that case should occur, I shall not hesitate to report its existence to your Lordship; and, although I should grieve to transfer my trust to a successor under such unsatisfactory circumstances, I should derive some consolation from the reflection that I had not abandoned my station as long as I could retain it with any good effect. Under what circumstances such a case is likely to arise I will endeavour to explain in another communication, in which I shall attempt to describe the state of parties in the province, and the personal feelings towards myself which exist among them.

STATE OF PARTIES IN 1845.

TO THE RIGHT HONORABLE LORD STANLEY.

May 13, 1845.

My Lord,—I propose in this despatch to submit to your Lordship the opinions which I entertain regarding the several political parties existing in this province, according to the best judgment that I am able to form.

The first that I shall notice is what may be termed the French-Canadian party, consisting in the Legislature of most of the members of that race, and out of the Legislature of the mass of the French-Canadian people. This party, regarding union as strength, is banded together in a compact body for the purpose of acquiring power. Its chief, if not its sole object, is the predominance of the French race in Lower Canada. Any individual of that race who acts independently, and separates himself from the party, is in a great degree regarded as an outcast. So many have suffered from this cause, that few now dare to try the experiment, and the party is kept together by a system of terror as well as by inclination. Many suppose that its success among the mass of French-Canadians is owing to misrepresentation; but the misrepresentations which produce so great an effect must, I fear, be strongly aided by a previous disposition. This party has most frequently been opposed to her Majesty's Government, and is so at the present time, although circumstances have occurred in the last two or three years which would naturally have produced a different result if

there had been friendly feelings to work upon. In this interval the French-Canadians have seen their countrymen forming a part of the Executive Council, and holding office and emolument on an equal footing with any other portion of her Majesty's subjects in this colony. They have seen the capital removed from Upper Canada and fixed in their own section of the province. They have seen all those of their countrymen who were transported to the penal colony for treason and rebellion, pardoned and restored to their country. But all these acts of consideration and justice, grace and mercy, have apparently had no effect; and if they have imperceptibly mitigated malignity and disaffection, and thereby promoted order and tranquillity, they cannot be said to have produced attachment or removed ill-will. This party is under the guidance of Mr. Lafontaine, and next to him Mr. Morin is the most active and conspicuous of its members.

As those two gentlemen were members of the Executive Council in 1842 and 1843, and were among those who resigned their offices in November of the latter year, their opposition and that of the party at their command is in a considerable degree personal against the Governor, whom they first sought to reduce to the condition of a party tool, and, failing in that, attempted to bully into submission by the vote of a majority in the Legislative Assembly; and, failing in that attempt also, used unsparing and reckless endeavours to misrepresent and calumniate. They accordingly rest their expectation of a return to power on the prospect of my retirement from the Government; and from the time of their quitting office their partisans have been actively employed in circulating reports of the approximation of that event. So much importance is attached by the party to a general belief among their followers of the certainty of this occurrence, that in the French paper, the *Minerve*, the organ of that party, those passages of my speech at the close of the session which contained the words "our next meeting" and "until we meet again," are translated so as to convert those words into "your next session" and

"until your return." Another French paper, the *Aurore*, noticed the mistranslation, and exposed its design, but the *Aurore* is excommunicated, and the *Minerve* is the only paper read to the mass of the French-Canadians.

If there were just grounds for this personal feeling, and if the removal of its object would be attended by a cordial amalgamation of the French party with their fellow-subjects of British extraction, the remedy would be easy and obvious; but the result, I fear, would be far from that desirable effect. The change would be regarded as a victory, and the expectation of a triumphant return to power would be encouraged; but there would be no amelioration of feeling towards either her Majesty's Government or their fellow-subjects; the predominance of the French party would still be the main object of contest, and any success in such a contest would increase the difficulty of amalgamation, and knit the French phalanx more tightly together.

The motto of this party at present is "*Tout ou rien.*" They are aware that there is no exclusion of their countrymen from the highest offices under the Government, and they cannot pretend that any measures injurious to their race are adopted or contemplated; nevertheless they are ranged in a close compact against her Majesty's Government, and adhere to their opposition for the sole purpose of obtaining a triumph and establishing a French predominance. Such a course, with such views, reference being also had to past events, I cannot, it appears to me, sanction by submitting to it as long as I have any power to resist it. It is my belief that by a consistent conduct, steadily pursued for a series of years, this hostile phalanx might be successfully combated and dispersed. The course which I would recommend would be to leave the French race no pretext for complaint; to treat all as if they were well affected; to give office, emolument, and privileges equally to the French or British race, equal fitness being presumed; and to avoid any exclusion even of those ranged in opposition, whenever the occasion might justify a selection from among them, but to be careful to distinguish and reward those of the

French race who show a loyal disposition and a desire to support her Majesty's Government. I entertain a strong conviction that this course would, in a short time, lead the French-Canadian politicians to perceive that a pertinacious opposition to her Majesty's Government would not tend to promote their own interests. In order, however, to pursue this course successfully, it is necessary that the Government should be able to proceed without being compelled to submit to this faction; in other words, that the Government should have a majority in the Legislature notwithstanding the opposition of the French party. On this account any rupture in the existing majority, which, by reducing it to a minority, would exalt the importance of the French compact, is greatly to be deprecated.

The French party, notwithstanding the spirit which binds them together, do not like their present position in a minority, and will like it less and less the longer it continues. Disappointed in their expectation of always commanding a majority in the United Legislature by their union with the disaffected party in Upper Canada, they begin to doubt the policy of that connexion, and some of them are understood to have expressed the opinion that a union with the Conservative party of Upper Canada would be more natural. On the other hand, both sections of the Conservative party, anticipating a rupture between themselves, have a vague notion of the expediency of a union with the French party. I do not anticipate that these speculations will lead to any satisfactory result; but if I saw a probability that such a combination could be formed on right principles, so as to establish a strong Government, free from anti-British malignity, I should be disposed to encourage the design.

In adverting to the feelings and conduct of the French-Canadians, I ought not to omit to notice those of their priesthood, the Roman Catholic clergy of French extraction. As these enjoy without restraint every right and privilege that can be conferred on an ecclesiastical body under the protection of the British Empire, it would not be unreasonable to suppose that

their influence would be exercised in support of her Majesty's Government; and as the influence of the Roman Catholic priesthood over their flocks is generally understood to be great, it might be inferred that it would produce salutary effects. I have been an attentive and anxious observer of their conduct. I have heard in some instances of their affording support to her Majesty's Government; in other instances, of the contrary; but more generally I have understood that they have abstained from taking any open part in the recent political contest. From all that I have learned, I am led to believe that the influence of the clergy is not predominant among the French-Canadian people, and that the avocat, the notary, and the doctor, generally disposed to be political demagogues, and most of them hostile to the British Government, are the parties who exercise the greatest influence. Whatever power the clergy might have, acting along with these demagogues, it would, I fear, be slight when exercised in opposition to them. There is also reason to apprehend that the mass of the clergy are imbued with the same spirit as the people, and that, at the best, although they must be aware of the improbability of their benefiting by any change which would remove the protection of her Majesty's Government, their loyalty is not of that ardent character which would produce great exertion under circumstances that did not menace their own particular interests. I cannot say, therefore, that I expect much benefit from the influence of the Roman Catholic clergy, although I have met with several highly respectable individuals of that body on whose loyalty and good feeling towards the Government I would confidently rely.

Before I take leave of the French party, I think it right to add, that I continually hear reports of a reaction in the opinions of the French-Canadians, as if they were becoming sensible of the unreasonableness of their groundless opposition to the Government, and tired of the leaders who persist in dragging them on in this course. To such reports, however, I cannot attach any credit until I see some demonstration of their cor-

rectness. It rests on better foundation, and is a source of cheering hope for the future, that in some of those rural districts in which the French-Canadians and the inhabitants of British extraction are most intermixed, there is an increasing tendency towards good-fellowship, accompanied by a better feeling towards the British Government on the part of the French-Canadians, than exists in those districts in which the population, consisting entirely of this race, are exclusively subject to the misrepresentations of those demagogues who inculcate hatred against the British Government and the British race.

There are among the representatives of Lower Canada in the Legislative Assembly three or four members of British extraction who are returned by French-Canadian constituencies, and act entirely with the French party. I am not able to discover any motive for their conduct other than a regard for what they consider to be their own personal interest.

The Opposition party in Upper Canada in the Legislative Assembly consists of a few members, who acknowledge Mr. Baldwin as their leader. This party, though now small in number in the Legislature, has supporters in almost every constituency in Upper Canada; and although at the last general election they were most frequently in a minority, they often made the contest an anxious one to the successful candidate. There are men of various descriptions in this party, and many probably are loyal and honest, but it is certain that all the disaffected in the province belong to it. The feelings of most of this party are bitter against the Governor.

A few of the representatives of Upper Canada having heretofore belonged to the party calling themselves Reformers, conceive that they cannot thoroughly join with the Conservative party, forming the majority in the Legislative Assembly, without incurring the imputation of desertion from their own party, and damaging their influence with a considerable portion of their constituents. They cannot, therefore, be reckoned on as sure supporters of the Government, but they do not yield a slavish obedience to Mr. Baldwin, and may be found occa-

sionally on either side of the House. The sentiments of these members, as far as I can judge, are not personally unfriendly towards the Governor.

The supporters of the Government forming a majority in the Legislative Assembly consist of the Conservative party of Upper Canada and the British party of Lower Canada, and two or three French-Canadian members. This party is strong enough, with the occasional aid of other independent members, to maintain a working majority in the House, if it would keep that object steadily in view and avoid inadequate causes of dissension; but I am apprehensive, from what has already passed, that this degree of wisdom cannot be relied on, and that the seeds of division and weakness have been sown partly by the difference which occurred on the University question, partly by individual discontent, and partly by the want of popularity of the members of the Executive Council. It is remarkable that none of the Executive Council, although all are estimable and respectable, exercise any great influence over the party which supports the Government. Mr. Draper is universally admitted to be the most talented man in either House of the Legislature, and his presence in the Legislative Assembly was deemed to be so essential, that he resigned his seat in the Upper House, sacrificing his own opinions in order that he might take the lead in the Assembly; nevertheless, he is not popular with the party that supports the Government, nor with any other, and I do not know that, strictly speaking, he can be said to have a single follower. The same may be remarked of every other member of the Executive Council; and although I have much reason to be satisfied with them, and have no expectation of finding others who would serve her Majesty better, still I do not perceive that any of them individually have brought much support to the Government. The supporters of the Government are composed of those members who are most desirous of upholding her Majesty's Government in this province, and are consequently opposed to those who most strive to reduce it to a nullity, as well as to all those who

entertain anti-British feelings. When, therefore, the rupture took place between the Governor and the late Executive Council, the Conservative party rallied round the Governor, inspirited both by loyalty to her Majesty and by adverse feelings towards the opposite party; and during the general election which followed, the rival candidates stood respectively on what is termed the "ticket" of the Governor, or that in colonial language of the "ex-Ministers." Many members of the majority accordingly profess adherence to her Majesty's Government without acknowledging implicit confidence in any of the members of the Executive Council. A considerable section of the majority was not represented in the Executive Council until the appointment of Mr. Robinson to be a member of that body; and since his resignation the same inconvenience has been renewed, and hitherto cannot be overcome, owing to the difficulty of finding a successor in that section, in consequence, partly, of the difference which has been excited by the University question, and partly by the other causes arising out of what is termed Responsible Government, which materially obstruct the selection of officers for the highest posts in the colony.

The prospect of division in the next Legislative Session among the supporters who carried the Government safely and creditably through the last, naturally produces considerable anxiety, which suggests different projects to different minds. My own opinion is, that every effort should be made, consistently with right principle, to keep together the majority which exists, and so to satisfy the opponents of the Government that a mere factious opposition, without regard to measures, for the sole purpose of overthrowing the Government, will not succeed; and if this conviction can be established, I have little doubt that the compact union of the French party which at present exists will eventually be dissolved. On the other hand, some of my Council, distrustful of the support in the next session of some of those who formed the majority in the last, look to assistance from the present Opposition, and especially from the French party,—

a scheme which I believe to be impracticable to any extent that would avail in securing a majority. The French party profess to admit that Upper Canada should be ruled by the majority in Upper Canada, but claim for themselves that they should have exclusive rule in Lower Canada, by which the British party in Lower Canada would be completely swamped, and the predominance of the French party, which is their great object, established. On these terms the French party, I believe, would readily join the Conservative party of Upper Canada; but such terms are, I conceive, inadmissible, and the junction, therefore, unattainable. Individual members of the French-party might possibly be induced to join the administration, but they would bring no further aid to it than they themselves could personally afford; nevertheless, even such conversions are desirable, as tending to break up a compact of which the views and motives are alike objectionable.

In speaking of parties in this province I ought not to omit the Irish Roman Catholic body, which is annually increasing in number by immigration, and is generally arrayed on the same side with the disaffected parties of other descriptions. Formerly the British party in Lower Canada had the Irish along with them, and were in consequence more successful in elections than they are now likely to be. At present the Irish Roman Catholics in Lower Canada are leagued with the French-Canadians, and it was by the violence of the former that the election of a member for the Legislative Assembly, in April, 1844, at Montreal, was carried in favor of the Opposition. In the influx of emigrants from the United Kingdom the number of Irish Roman Catholics preponderates; and therefore, according to present appearances, there will be a continual increase to the disaffected portion of the community greater than that to the loyal portion, and this may eventually be attended with disastrous effects. If, therefore, her Majesty's Government exercise any interference as to the description of emigrants transferred to the several colonies, I would earnestly recommend that emigrants to Canada should be chiefly English

or Protestant Irish, and that Irish Roman Catholics should preferably be sent to other colonies that are free from disaffected parties ready to seize on the new comers and enlist them in their ranks. I do not know that the Irish Roman Catholics have a single representative returned exclusively by themselves in the Legislative Assembly; neither does the strength of this party, viewing it as a disaffected one, lie in the upper classes; these, as far as I know, are well affected. One of the members of the Executive Council, and another staunch, zealous, and conspicuous supporter of the Government, are Irish Roman Catholics, but few of their countrymen of the same denomination in the lower classes go along with them. Of the Irish Roman Catholic priesthood I should say much the same as I have before said of the French-Canadian clergy. Some are represented as well disposed, but when that is the case their influence over their flock appears to be insignificant. I ought perhaps to add a word regarding the Scotch portion of the inhabitants of this province. They appear to be more divided than any other, and are to be found on either side in politics. One of the largest and most disaffected constituencies in Upper Canada is for the most part Scotch; and viewing the question of an increase of population with reference to British connexion and steady adherence to her Majesty's Government, I should say that the Scotch are not so generally to be depended on, and consequently not so desirable for immigration, as the English or Protestant Irish; but I would except from this remark the upper classes of the Scotch, who are, for the most part, loyal and staunch.

As this despatch touches so much on parties, I ought not to omit to mention that the whole colony must at times be regarded as a party opposed to her Majesty's Government. If any question arises, such as that, for instance, of the Civil List, in which the interests of the mother country and those of the colony may appear to be different, the great mass of the people of the colony will be enlisted against the former. There is, in consequence, great zeal in promoting interests exclusively colo-

nial, and much want of it on subjects in which the colony, although vitally concerned, is involved as a portion of the British Empire. The general prevalence of this spirit is shown in the obstacles which have prevented the introduction of a proper militia bill into the Legislature; in the throwing out the exemption from duty of supplies for her Majesty's forces; in the delays which have occurred in the payment of the debts due to her Majesty's Government on account of pecuniary advances for the service of the colony; and in repeated endeavours to cast on the Imperial Treasury charges which the province is unwilling to admit as a burden on itself. This spirit is manifest on every occasion which has a tendency to call it forth, and is not confined to any particular party. It is aggravated by the establishment of that form of government which renders the executive servants of the Crown practically more dependent on the Legislative Assembly than on the authority by which they are appointed; and it will require unceasing vigilance on the part of her Majesty's representative to secure in any degree the just rights of the Crown, for due attention to which he will never be able to rely wholly on the ungoaded alacrity of any provincial functionary, with the exception of the civil secretary. The inducement to take high office being slight, owing to the precariousness of its retention, the hold of her Majesty's Government on the officers employed is far from strong; and as any material change in the system of administration may now be regarded as impracticable, the only mode that occurs to me of counteracting the exclusive subserviency to the Legislative Assembly which prevails, is in creating a new source of ambition, by the grant of personal honors to those who deserve well of her Majesty's Government; and even this remedy, although it would probably be beneficial, I would not undertake to warrant as certain to be effectual.

The system of administration called Responsible Government having been struggled for by one party, and coupled with its own introduction into power, was for some time opposed by the party which was thereby displaced; but having been adopted

and acted on by the local representatives of her Majesty, and sanctioned or permitted by her Majesty's Government, it is now universally received, and the several parties vie with each other in putting on it their own extreme constructions, all tending to establish the supremacy of the Legislative Assembly. While the majority in that body consists of members on whose loyalty and affection reliance can be placed, there will be cordiality, and in many respects sympathy, between the head of the Government and the officers assisting him in the local administration; but whenever it may happen, as no doubt it sometimes will, that the majority in that Assembly follow leaders whose principles, or want of principle, are unworthy of confidence, the dilemma will arise of either admitting such men into confidential offices in her Majesty's service, or of falling into collision with the Legislative Assembly. If the differences between parties regarded only local affairs in which the mother country might have no peculiar interest, the easiest method of administering the Government under existing circumstances would be for the Governor to keep aloof from all connexion with any party, and to receive into his Council the leaders of the majority by whatever party, or combination of parties, it might be formed; but this indifference is scarcely possible to a Governor having any spark of British feeling, when almost all who have British feelings are arrayed on one side, and all who have anti-British feelings on the other. This difference must constitute a permanent difficulty in administering the Government according to that system, which practically confers the choice of the executive officers on a majority in the Legislative Assembly.

It will be seen, from the description of parties which I have submitted, that the two parties in Lower and Upper Canada which I regard as disaffected, have a bitter animosity against me; and if it should ever become necessary to admit these parties again into power, in preference to standing a collision with the Legislative Assembly, a case would arise in which my

presence here might be rather prejudicial than beneficial, as it would be impossible for me to place the slightest confidence in the leaders of those parties. If any such necessity should occur in my time, it would cause an embarrassment much more serious to me than any difficulty that I have hitherto had to encounter. Whatever my duty might dictate, I trust I should be ready to perform, but I cannot contemplate the possibility of co-operating, with any satisfaction to myself, with men of whom I entertain the opinions that I hold with regard to the leaders of those parties. Such an embarrassment will not be impossible, if any portion of the present majority fall off or become insensible of the necessity of adhering together. It is with a view to avert such a calamity that I consider my continuance at my post to be important at the present period, as a change in the head of the Government might easily lead to the result which I deprecate, and which it will be my study to prevent as long as I see any prospect of success.

It is greatly to be lamented—and this reflection must have often been brought to your Lordship's mind by the contents of many of my despatches—that the attention of the Governor should be so much occupied in considering, not how the Government may be best administered for the benefit of the colony, but how it can possibly be carried on without a collision with the Legislature, which could not fail to be attended with evil consequences. This misapplication of the attention of the Government is, however, an unavoidable consequence of the system of administration which has here been adopted, and which can hardly be altered unless its bad working should eventually convince the province of the impracticability of its continuance. Had the executive branch of the Government been maintained independent of the legislative, all the essential principles of Responsible Government might have been secured by the constant exercise of a due regard to the rights and feelings of the people and the Representative Assembly, without creating those embarrassments which arise exclusively from the assumed de-

pendence of the executive officers on that body—a system of government which, however suitable it may be in an independent State, or in a country where it is qualified by the presence of a Sovereign and a powerful aristocracy, and by many circumstances in correspondence with which it has grown up and been gradually formed, does not appear to be well adapted for a colony or for a country in which those qualifying circumstances do not exist, and in which there has not been that gradual progress which tends to smooth away the difficulties otherwise sure to follow the confounding of the legislative and executive powers, and the inconsistency of the practice with the theory of the constitution.

RESIGNATION OF THE GOVERNOR-GENERAL.

[The fears expressed in the penultimate despatch that the health of the Governor-General would not much longer suffer him to remain in charge of his office, were unfortunately realised. The summer and autumn witnessed the fearful progress of the malady with which he was afflicted; and in October Sir Charles Metcalfe addressed the following letters to the Colonial Secretary, who exhorted him to return at once to England.]

TO THE RIGHT HONORABLE LORD STANLEY.

Montreal, October 13, 1845.

My Lord,—My disorder has recently made a serious advance, affecting my articulation and all the functions of the mouth; there is a hole through the cheek into the interior of the mouth. My doctors warn me that it may soon be physically impossible for me to perform the duties of my office. If the season were not so far advanced towards the winter, I should feel myself under the necessity of requesting your Lordship to relieve me; but as such an arrangement might require time and deliberation, I propose to struggle on as well as I can, and will address your Lordship again on this subject according to any further changes that may occur in my condition; in the mean while, I have considered it to be my duty to apprise your Lordship of the probable impossibility of my performing my official functions, in order that you may be prepared to make such an arrangement as may seem to be most expedient for the public service.

October 29, 1845.

My Lord,—I continue in the same bodily state that I described by the last mail. I am unable to entertain company or to receive visitors, and my official business with public functionaries is transacted at my residence in the country instead of the apartment assigned for that purpose in the public buildings in town. I am consequently conscious that I am inadequately performing the duties of my office, and if there were time to admit of my being relieved before the setting in of the winter, I should think that the period had arrived when I might, perfectly in consistence with public duty, solicit to be relieved; but, as the doctors say that I cannot be removed with safety from this place during the winter, and as that season is fast approaching, it becomes a question whether I can best perform my duty to my country by working on at the head of the Government to the best of my ability until the spring, or by delivering over charge to other hands, and remaining here as a private individual until the season may admit of my return to Europe with safety. In this dilemma I have hitherto abstained from submitting my formal resignation of my office; and shall continue to report by each successive mail as to my condition and capability of carrying on the duties of my post.*

* These two letters have been already published in the "Life of Lord Metcalfe," but they are repeated here to give completeness to this section of the Colonial Despatches.

ANSWERS TO ADDRESSES.

[A few of the Answers to Addresses presented to Sir Charles Metcalfe in Canada are here subjoined, in illustration of his opinions on the subjects to which they refer but, as in the case of the Jamaica Addresses, they are necessarily but a very scanty selection from a very large number.]

To the Town of Niagara.

[*December*, 1843.]

I receive, gentlemen, the sentiments which you have addressed to me with the respect due to every expression of public feeling. No government can be successfully conducted without the confidence and support of the people, and I have never thought of pursuing any course that could justly deprive me of those essential aids.

It is gratifying to me to learn that you approve the stand which it was recently my duty to take in defence of the prerogative of the Crown, and that you recognise to the fullest extent the propriety of the Governor's judging and acting according to his discretion on all occasions, and in all matters calling for the exercise of the royal prerogative. This being admitted, no difficulty would arise on the question of consulting the Executive Council; for although it is physically impossible, consistently with the despatch of public business, that every act of the Governor in this colony could be made the subject of a formal reference for the advice of the Council, there can be no doubt that it will be the inclination as well as the duty of the Governor to consult the Council on all occasions of adequate

importance. But when a systematic and overbearing attempt is made to render the Governor a mere tool in the hands of a party, then resistance in defence of the royal prerogative becomes indispensable; because it is impossible that her Majesty's Government can ever permit the Governor of one of her Majesty's colonies to reduce himself to that condition. The particular mode of carrying out Responsible Government established in this province is new in a colony, and to be worked successfully must be worked carefully; with honesty of purpose for the good of the province, without party animosity and exclusiveness, and with good sense, good feeling, and moderation on the part of those engaged in the undertaking. My part of it shall be faithfully performed with an anxious desire to render the system conducive to the prosperity and happiness of Canada, in allegiance to the British Crown, and under the protection of the united strength of the British Empire.

To the Township of Scarborough.

[*January*, 1844.]

I have received, gentlemen, with great satisfaction, your loyal address.

It is highly gratifying to me to be assured of your approval of my conduct.

With you I deeply deplore the existence of any political disagreement that may tend to disturb the harmony which it was the most anxious wish of my heart to see established. Not only was I reluctant to come to a rupture with my late Council, but I forbore much in order to avoid it.

Your complaint of the distribution of the patronage of the Crown for party purposes, during the time when the gentlemen of the late Executive Council were in office, bears testimony to the extreme attention which, whether I was right or wrong in so doing, I paid to their recommendations; and yet, strange to

say, while I have been accused of subserviency to their party exclusiveness, the alleged ground of their resignation was, that I presumed to exercise my own discretion in the exercise of that branch of the royal prerogative; and on that pretence alone they and their partisans have since endeavoured to excite the people to personal hostility against me, by unfounded assertions of my denial of that system of Responsible Government to which I have repeatedly declared my adherence.

While, however, the people of Canada entertain, as I trust they generally do, the loyal and patriotic feelings which you cherish, I cannot suppose that they will allow her Majesty's Government to be obstructed, and the good of the country to be sacrificed, by the influence of such gross and palpable misrepresentations.

I rejoice to learn that you advocate the extension of the royal mercy to those unfortunate men who were formerly engaged in rebellion against the Crown. It has always been my anxious desire that the recollection of past offences should be obliterated; and I have been incessantly engaged since my arrival in Canada in promoting that good work, either by my own act, when it was within my competency to pardon, or by forwarding applications to her Majesty's Government when the case was beyond my own reach. Her Majesty delights in the twice blessed exercise of mercy. Every petition hitherto submitted has been successful; and I have no doubt that in a short time all the advantages that could have been obtained from a general amnesty will be realised in both sections of the province, by the individual pardons granted to those who were transported to the penal colonies, and by their happy return to their families and homes.

While I earnestly exert myself to bury in oblivion the recollection of offences, I see no rational ground for forgetting the loyalty of those who stood forth in defence of their Queen and country in the hour of need, and I shall ever regard such services as entitled to gratitude and honorable reward.

Accept, gentlemen, my cordial thanks for the assurance of

your support, and my sincere admiration of your devotion to British connexion, and of your unalterable attachment to the land of your fathers.

To the Freeholders and other Inhabitants of the County of Russell, Ottawa District.

I thank you, gentlemen, cordially, for your loyal, patriotic, and constitutional address.

At a time when an insidious attempt is made to prostrate her Majesty's Government in Canada to an unexampled condition of subserviency, which would be tantamount to its overthrow, it is highly satisfactory to observe the public spirit and generous zeal with which those who rightly appreciate the connexion subsisting between this colony and the British Empire, come forward in support of her Majesty's representative, in his endeavours to maintain this province in true allegiance to our gracious Sovereign, and to render it prosperous and happy as an integral portion of her Majesty's dominions.

The objects of the party who are bent on obstructing the Government, and who are actively engaged in exciting disaffection against me by the most unscrupulous misrepresentations, are now disclosed beyond the probability of misconception. It is manifest that they aim at the following state of things: That the authority of her Majesty in this province should be a nullity; that the Governor should be a subservient tool in the hands of the Executive Council; that the Legislative Council should be elected by the Executive Council; that the Executive Council should be in reality nominated by the House of Assembly.

The authority of the Crown and of the Legislative Council being thus annihilated, and every balance in the constitution destroyed, the whole power of the State would be usurped by either the Executive Council exercising undue interference over the House of Assembly, or by the House of Assembly

exercising unlimited interference in the Executive Administration. It would be either a despotic and exclusive oligarchy, or an absolute, unqualified democracy. This, they pretend, is the Responsible Government granted to Canada by her Majesty's Ministers. It is neither the one nor the other. The British constitution is a limited monarchy, or a balance of the monarchical, aristocratic, and democratic powers, without the exclusive ascendancy of either; the work of ages, progressively formed to suit the gradual changes in the social relations of the community; and the constitution granted to Canada is the same, as far as the same can be practically carried into operation in a colony.

The constitution, as established by the arrangements of Lord Sydenham and by the resolution of September, 1841, I am using, and shall continue to use, my anxious endeavours to work, through responsible heads of departments, for the benefit and contentment of the people of Canada, with the advice and co-operation of an Executive Council which will, I trust, obtain the confidence of the provincial Parliament; and if this cannot be done successfully, the blame will be justly due to those who, in the pursuit of unbridled power, have sought to destroy the constitution which they pretend to uphold, and are doing their utmost to obstruct the formation of any Responsible Government, while their unfounded outcry is, that it is intentionally avoided.

Many probably give their support to this party under an honest belief that there is reluctance on my part to consult the Executive Council. This is entirely an error. With any Council that seeks the good of the country, and does not strive to degrade the office of Governor to the condition of a mere party tool, it is my inclination, as well as my duty and my practice, to consult on all subjects. No Governor could dream of administering the Government of this province without constant consultation with his Council.

Every Governor must be sensible of the advantage that he would derive from the aid, advice, and information of coun-

cillors and heads of departments in whom he can place confidence. But that is not the question at issue. If it were, or if it had been, the country would not have been troubled with the present dispute. The demand of the party now obstructing her Majesty's Government is, that the Governor, who is responsible to his Sovereign and the British nation for the welfare of Canada, is with respect to the Government of this country to be a nonentity; or in other words, to be the subservient tool of any party that may acquire a temporary ascendancy. To this I could not and never can submit. This was the meaning of the stipulations demanded of me, and which my duty to the Crown rendered compliance with impossible.

I shall ever retain, gentlemen, a grateful sense of your staunch support and kind wishes, and it will be the greatest happiness that I can enjoy during the remainder of my mortal life, if your prayer for my success in promoting concord and prosperity in this important province, be heard with favor at the throne of Heaven.

To the Freeholders and Inhabitants of the District of Brock, in Canada West.

I beg you, gentlemen, to accept my cordial thanks, for the assurance of concurrence and support conveyed in your address.

I feel most deeply your concluding prayer, that I may succeed in crushing every attempt, however disguised, to separate this noble colony from the parent state. It is by the loyalty and good sense of the people, that such attempts, whenever made, will be crushed, as they heretofore have been, by the same means. The design of separation is not now avowed, and I should be loth to impute it to any one who denies it. The secret intentions of men's hearts are known only to the Almighty Seer of hidden things. The objects at present manifestly aimed at, by the party who are exciting obstruction to her Majesty's Government, are, that the authority of the Crown

shall be a nullity, that the Governor shall be a tool in their hands, and that all the powers of every branch of the constitution shall be usurped and monopolised by an oligarchy, who by any misrepresentation or misconception can obtain the support of a majority in the House of Assembly; so that there shall not be a vestige of the royal prerogative, or of any balance of power in the Government. It is against these extravagant and monstrous pretensions that I am now contending; and I am unable to express the wonder with which I regard the inconceivable blindness of those persons, who, really desirous of preserving our connexion with the British Empire, do not perceive that the success of such extreme views is incompatible with the relations of a colony with the mother country, and must tend to separation. I confidently rely on the good feeling and discernment of a vast majority of the people for the detection and defeat of schemes, which are either wicked or absurd according to the animus with which they are respectively prosecuted by their several advocates.

I do not mean in the slightest degree to depart from the system of Responsible Government established by the arrangements of Lord Sydenham, and the resolutions of September, 1841. I regard these jointly as forming the acknowledged constitution according to which the Government of Canada is to be conducted. The real enemies of this system are the men who would render its successful operation impossible, by asserting the untenable and inadmissible pretensions above described; and who, by misrepresentation of my resistance to their intended usurpation, strive to excite disaffection and to poison the minds of the people against me. In the prosecution of these views, they pretend that the unavoidable delay which has taken place in the completion of the Executive Council, and in the nomination of the several heads of departments, is a sign of my desire to set aside Responsible Government. It is, in truth, a proof of the very reverse. That delay, which no one can lament as much as I do, for no one can be in every respect so interested in its cessation as I am, has been caused, in a great measure, by

their avowed and fixed determination to oppose any Council not of their selection; and for the rest, by my own anxiety to form such an administration as is likely to obtain the confidence of both branches of the Legislature, without which the successful working of Responsible Government is impracticable.

Allow me, gentlemen, once more to thank you for your public-spirited support in what I believe to be the cause of liberty, order, and good government, and therefore indisputably the cause of the people.

APPENDIX.

[The annexed Address, which I find in Lord Metcalfe's handwriting, and which was written for newspaper publication, embodies in a few sentences his views on some of the vexed questions of English politics. I do not know whether it appeared in print. But the same opinions were expressed, at greater length, in a pamphlet written by Metcalfe, under the title of "Advice to Conservatives."]

FRIENDLY ADVICE TO THE WORKING CLASSES.

FRIENDS AND FELLOW-COUNTRYMEN,—I entreat your attention to some friendly advice from one who has your welfare at heart, and regards no interest in comparison with the interest of the country of which you form so large a portion.

You seek to better your condition—a natural and laudable object. With that view you claim rights which you have not hitherto possessed. This, also, is perfectly natural and unobjectionable, and in time your desire will be realised. But you listen to men, and adopt them as your leaders, who incite you to violence and rebellion against the laws—a course which, whatever might be the immediate result, would inevitably mar your prospects, and destroy all chance of success.

The effect of violent resistance to the laws must be one of the following results: Either you would be easily subdued, which would cast ridicule on your proceedings and stifle your pretensions, or you would be subdued with difficulty, and after

much bloodshed and all the horrors of civil war, which would crush all your hopes for a long period. Or you would succeed and overthrow the Government, the consequences of which would be, first, anarchy, and next, despotism, by which, instead of gaining your object, you would be reduced to disgraceful slavery.

Violence on your part, or the appearance of an intention of violence, must rouse against you all the feelings, good and bad, of those classes in whose privileges you seek participation. That they are tenacious of those privileges is no matter for wonder. It is as natural as that you should desire to participate in them. There is, therefore, a predisposition to question your assumed right; and if you attempt violence you will be sure to find resistance. The same blood runs in their veins as in yours, and the more you display a disposition to violence, the more you will rouse opposition.

Another point for your consideration is, whether those things which you professedly seek are worth committing violence for; that is, whether their natural consequences are such as in the end, supposing them to be attainable, would justify violence as the means, if violence could anyhow be justified. As I am fearful of encroaching too much on the space that can be afforded in the columns of a newspaper, I defer for another letter what I would say as to the probable consequences of the measures which you desire to establish; but, before I conclude, I must advert to one circumstance, which, in whatever view it may be taken, shows the utter unfitness of some of those whom you have accepted as your leaders to guide you in a right path to the attainment of your wishes.

More than one of them are described as endeavouring to excite your passions by pretending, or representing, that the Government has in contemplation, or is likely to patronise, a plan for putting to death all the children born henceforth of poor persons beyond two or three in a family. If these persons really believed that such a plan could possibly be conceived or

supported by any Government that could be established in our country, they must be credulous in such a degree as to render them totally incapable, from want of judgment, of giving you good advice. If they used such a method of exciting you to rage and outrage without believing that such a monstrous design was probable, no words can be sufficiently severe to characterise the wickedness of such conduct. They must, in this case, be totally unworthy of your attention, from their diabolical malignity.

You aim, I presume, at a modification of the Poor Laws, and there is no reason to despair of the accomplishment of that purpose. The perfection of Poor Laws would be to give the most effectual relief without unnecessary hardship to the destitute, and to afford at the same time the greatest encouragement to industry and exertion, and no encouragement to idleness. To make any human institution perfect is difficult and scarcely possible. Whatever there may be of unnecessary hardship in the Poor Laws will, you may be sure, be amended; but this may be prevented by violence on your part, which will strengthen those who are opposed to any alteration.

You desire, no doubt, the abolition of the Corn Laws; and those laws, which are contrary to all right principle, must be speedily abolished, without any violence.

You call for the Ballot. This also, being calculated to promote the independence of voters, is right and reasonable, and must soon come. Violence will only retard it.

You long for Universal Suffrage. This also is a right which must be acknowledged, whenever it can be exercised with benefit to the national interests. It is in a fair train of accomplishment, notwithstanding the opposition not only of those who are falsely called Conservatives, but of many also who on other questions have been Reformers.

I reserve what I have further to say on these and other subjects for another opportunity. In the mean time, let me exhort you to proceed with temper and moderation. I do not

ask you to desist from any of your projects; but pursue them without violence. Let your motto be, "Patience and perseverance; order and obedience to the laws." In this manner you are likely to obtain all that you desire, without anarchy and its consequence, despotism; without revolution, without bloodshed. The only certain result of violence is, that whatever may be the issue, you must fail of obtaining the objects for which you are exerting yourselves.

GLOSSARY OF INDIAN TERMS.

[The technical Eastern terms, often used so frequently in Indian official papers, are but sparingly scattered over Lord Metcalfe's writings; and the few which he has employed are for the most part explained; but the following definitions, for which I am chiefly indebted to Professor Wilson's excellent Vocabulary, may be of use to the European reader.]

Bauteh—Division of the crops between the cultivator and the landlord, or Government.

Bajra—A description of grain resembling the millet.

Desmooks—Hereditary officers under the Native Administrations, exercising chief police and revenue authority over a district, responsible for the payment of the latter; holding certain rent-free lands, and receiving certain fees as the remuneration of the office.

Despandeeas—Hereditary revenue accountants, paid by certain grants of land.

Dustukana—Fees paid to the officer who issues a writ or serves a warrant.

Jaidee (*Jaidad*)—The system of assigning the revenues of certain lands for the payment of troops, &c.

Maliks—Landed proprietors, or cultivators having an hereditary right in the land.

Mokuddums—Head men of the village corporations.

Moonsiffs—The lowest grade of Native Judges.

Nuzzurana—Fees or fines paid on assignments of revenue or succession to lands or offices.

Patels—Head men of native villages.

Putwarrees—Coparceners, or shareholders in village estates.

Peishkush—Tribute money; quit-rent in lieu of fixed revenue.

Talukana—Fees paid to revenue agents.

C. WHITING, BEAUFORT HOUSE, STRAND.

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